

AMENDMENT IN THE NATURE OF A SUBSTITUTE
To H.R. 10
OFFERED BY MR. MENENDEZ OF NEW JERSEY

Strike all after the enacting clause and insert the
following:

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the “Na-
3 tional Intelligence Reform Act of 2004”.

4 (b) TABLE OF CONTENTS.—The table of contents for this
5 Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—NATIONAL INTELLIGENCE AUTHORITY

Subtitle A—National Intelligence Authority

Sec. 101. National Intelligence Authority.

Sec. 102. National Intelligence Director.

Subtitle B—Responsibilities and Authorities of National Intelligence
Director

Sec. 111. Provision of national intelligence.

Sec. 112. Responsibilities of National Intelligence Director.

Sec. 113. Authorities of National Intelligence Director.

Sec. 114. Enhanced personnel management.

Sec. 115. Security clearances.

Sec. 116. National Intelligence Reserve Corps.

Sec. 117. Appointment and termination of certain officials responsible for
intelligence-related activities.

Sec. 118. Reserve for Contingencies of the National Intelligence Director.

Subtitle C—Office of the National Intelligence Director

Sec. 121. Office of the National Intelligence Director.

Sec. 122. Deputy national intelligence directors.

Sec. 123. National Intelligence Council.

Sec. 124. General Counsel of the National Intelligence Authority.

Sec. 125. Intelligence Comptroller.

Sec. 126. Officer for Civil Rights and Civil Liberties of the National Intel-
ligence Authority.

Sec. 127. Privacy Officer of the National Intelligence Authority.

Sec. 128. Chief Information Officer of the National Intelligence Authority.

Sec. 129. Chief Human Capital Officer of the National Intelligence Author-
ity.

Sec. 130. Chief Financial Officer of the National Intelligence Authority.

Sec. 131. National Counterintelligence Executive.

2

Subtitle D—Additional Elements of National Intelligence Authority

- Sec. 141. Inspector General of the National Intelligence Authority.
- Sec. 142. Ombudsman of the National Intelligence Authority.
- Sec. 143. National Counterterrorism Center.
- Sec. 144. National intelligence centers.

Subtitle E—Education and Training of Intelligence Community Personnel

- Sec. 151. Framework for cross-disciplinary education and training.
- Sec. 152. Intelligence Community Scholarship Program.

Subtitle F—Additional Authorities of National Intelligence Authority

- Sec. 161. Use of appropriated funds.
- Sec. 162. Acquisition and fiscal authorities.
- Sec. 163. Personnel matters.
- Sec. 164. Ethics matters.

TITLE II—OTHER IMPROVEMENTS OF INTELLIGENCE
ACTIVITIES

Subtitle A—Improvements of Intelligence Activities

- Sec. 201. Availability to public of certain intelligence funding information.
- Sec. 202. Merger of Homeland Security Council into National Security Council.
- Sec. 203. Joint Intelligence Community Council.
- Sec. 204. Improvement of intelligence capabilities of the Federal Bureau of Investigation.
- Sec. 205. Federal Bureau of Investigation Intelligence Career Service.
- Sec. 206. Information sharing.

Subtitle B—Privacy and Civil Liberties

- Sec. 211. Privacy and Civil Liberties Oversight Board.
- Sec. 212. Privacy and civil liberties officers.

Subtitle C—Independence of Intelligence Agencies

- Sec. 221. Independence of National Intelligence Director.
- Sec. 222. Independence of intelligence.
- Sec. 223. Independence of National Counterterrorism Center.
- Sec. 224. Access of congressional committees to national intelligence.
- Sec. 225. Communications with Congress.

TITLE III—MODIFICATIONS OF LAWS RELATING TO
INTELLIGENCE COMMUNITY MANAGEMENT

Subtitle A—Conforming and Other Amendments

- Sec. 301. Restatement and modification of basic authority on the Central Intelligence Agency.
- Sec. 302. Conforming amendments relating to roles of National Intelligence Director and Director of the Central Intelligence Agency.
- Sec. 303. Other conforming amendments
- Sec. 304. Modifications of foreign intelligence and counterintelligence under National Security Act of 1947.
- Sec. 305. Elements of intelligence community under National Security Act of 1947.
- Sec. 306. Redesignation of National Foreign Intelligence Program as National Intelligence Program.
- Sec. 307. Conforming amendment on coordination of budgets of elements of the intelligence community within the Department of Defense.
- Sec. 308. Repeal of superseded authorities.
- Sec. 309. Clerical amendments to National Security Act of 1947.

3

- Sec. 310. Modification of authorities relating to National Counterintelligence Executive.
- Sec. 311. Conforming amendment to Inspector General Act of 1978.
- Sec. 312. Conforming amendment relating to Chief Financial Officer of the National Intelligence Authority.

Subtitle B—Transfers and Terminations

- Sec. 321. Transfer of Office of Deputy Director of Central Intelligence for Community Management.
- Sec. 322. Transfer of National Counterterrorism Executive.
- Sec. 323. Transfer of Terrorist Threat Integration Center.
- Sec. 324. Termination of certain positions within the Central Intelligence Agency.

Subtitle C—Other Transition Matters

- Sec. 331. Executive Schedule matters.
- Sec. 332. Preservation of intelligence capabilities.
- Sec. 333. Reorganization.
- Sec. 334. National Intelligence Director report on implementation of intelligence community reform.
- Sec. 335. Comptroller General reports on implementation of intelligence community reform.
- Sec. 336. General references.

Subtitle D—Effective Date

- Sec. 341. Effective date.

Subtitle E—Other Matters

- Sec. 351. Severability.
- Sec. 352. Authorization of appropriations.

TITLE IV—INFORMATION SHARING

- Sec. 401. Information sharing.

TITLE V—CONGRESSIONAL REFORM

- Sec. 501. Findings.
- Sec. 502. Reorganization of congressional jurisdiction.

TITLE VI—PRESIDENTIAL TRANSITION

- Sec. 601. Presidential transition.

TITLE VII—THE ROLE OF DIPLOMACY, FOREIGN AID, AND THE MILITARY IN THE WAR ON TERRORISM

- Sec. 701. Report on terrorist sanctuaries.
- Sec. 702. Role of Pakistan in countering terrorism.
- Sec. 703. Aid to Afghanistan.
- Sec. 704. The United States-Saudi Arabia relationship.
- Sec. 705. Efforts to combat Islamic terrorism by engaging in the struggle of ideas in the Islamic world.
- Sec. 706. United States policy toward dictatorships.
- Sec. 707. Promotion of United States values through broadcast media.
- Sec. 708. Use of United States scholarship and exchange programs in the Islamic world.
- Sec. 709. International Youth Opportunity Fund.
- Sec. 710. Report on the use of economic policies to combat terrorism.
- Sec. 711. Middle East Partnership Initiative.
- Sec. 712. Comprehensive coalition strategy for fighting terrorism.
- Sec. 713. Detention and humane treatment of captured terrorists.
- Sec. 714. Proliferation of weapons of mass destruction.

Sec. 715. Financing of terrorism.

TITLE VIII—TERRORIST TRAVEL AND EFFECTIVE SCREENING

Sec. 801. Counterterrorist travel intelligence.

Sec. 802. Integrated screening system.

Sec. 803. Biometric entry and exit data system.

Sec. 804. Travel documents.

Sec. 805. Exchange of terrorist information.

Sec. 806. Minimum standards for identification-related documents.

TITLE IX—TRANSPORTATION SECURITY

Sec. 901. Definitions.

Sec. 902. National Strategy for Transportation Security.

Sec. 903. Use of watchlists for passenger air transportation screening.

Sec. 904. Enhanced passenger and cargo screening.

TITLE X—NATIONAL PREPAREDNESS

Sec. 1001. Homeland security assistance.

Sec. 1002. The incident command system.

Sec. 1003. National Capital Region Mutual Aid.

Sec. 1004. Assignment of spectrum for public safety.

Sec. 1005. Urban area communications capabilities.

Sec. 1006. Private sector preparedness.

Sec. 1007. Critical infrastructure and readiness assessments.

Sec. 1008. Report on Northern Command and defense of the United States homeland.

TITLE XI—PROTECTION OF CIVIL LIBERTIES

Sec. 1101. Privacy and Civil Liberties Oversight Board.

Sec. 1102. Privacy and Civil Liberties Officers.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) The term “intelligence” includes foreign intel-
4 ligence and counterintelligence.

5 (2) The term “foreign intelligence” means information
6 relating to the capabilities, intentions, or activities of for-
7 eign governments or elements thereof, foreign organiza-
8 tions, foreign persons, or international terrorists.

9 (3) The term “counterintelligence” means information
10 gathered, and activities conducted, to protect against espio-
11 nage, other intelligence activities, sabotage, or assassina-
12 tions conducted by or on behalf of foreign governments or
13 elements thereof, foreign organizations, foreign persons, or
14 international terrorists.

15 (4) The term “intelligence community” includes the
16 following:

17 (A) The National Intelligence Authority.

18 (B) The Central Intelligence Agency.

1 (C) The National Security Agency.

2 (D) The Defense Intelligence Agency.

3 (E) The National Geospatial-Intelligence Agency.

4 (F) The National Reconnaissance Office.

5 (G) Other offices within the Department of De-
6 fense for the collection of specialized national intel-
7 ligence through reconnaissance programs.

8 (H) The intelligence elements of the Army, the
9 Navy, the Air Force, the Marine Corps, the Federal
10 Bureau of Investigation, and the Department of En-
11 ergy.

12 (I) The Bureau of Intelligence and Research of the
13 Department of State.

14 (J) The Office of Intelligence and Analysis of the
15 Department of the Treasury.

16 (K) The elements of the Department of Homeland
17 Security concerned with the analysis of intelligence in-
18 formation, including the Office of Intelligence of the
19 Coast Guard.

20 (L) Such other elements of any department or
21 agency as may be designated by the President, or des-
22 ignated jointly by the National Intelligence Director
23 and the head of the department or agency concerned,
24 as an element of the intelligence community.

25 (5) The terms “national intelligence” and “intelligence
26 related to the national security”—

27 (A) each refer to intelligence which pertains to the
28 interests of more than one department or agency of the
29 Government; and

30 (B) do not refer to counterintelligence or law en-
31 forcement activities conducted by the Federal Bureau
32 of Investigation except to the extent provided for in
33 procedures agreed to by the National Intelligence Di-
34 rector and the Attorney General, or otherwise as ex-
35 pressly provided for in this title.

36 (6) The term “National Intelligence Program”—

1 (A)(i) refers to all national intelligence programs,
2 projects, and activities of the elements of the intel-
3 ligence community;

4 (ii) includes all programs, projects, and activities
5 (whether or not pertaining to national intelligence) of
6 the National Intelligence Authority, the Central Intel-
7 ligence Agency, the National Security Agency, the Na-
8 tional Geospatial-Intelligence Agency, the National Re-
9 connaissance Office, the Office of Intelligence of the
10 Federal Bureau of Investigation, and the Office of In-
11 formation Analysis of the Department of Homeland Se-
12 curity; and

13 (iii) includes any other program, project, or activ-
14 ity of a department, agency, or element of the United
15 States Government relating to national intelligence un-
16 less the National Intelligence Director and the head of
17 the department, agency, or element concerned deter-
18 mine otherwise; but

19 (B) except as provided in subparagraph (A)(ii),
20 does not refer to any program, project, or activity of
21 the military departments, including any program,
22 project, or activity of the Defense Intelligence Agency
23 that is not part of the National Foreign Intelligence
24 Program as of the date of the enactment of this Act,
25 to acquire intelligence principally for the planning and
26 conduct of joint or tactical military operations by the
27 United States Armed Forces.

28 (7) The term “congressional intelligence committees”
29 means—

30 (A) the Select Committee on Intelligence of the
31 Senate; and

32 (B) the Permanent Select Committee on Intel-
33 ligence of the House of Representatives.

**TITLE I—NATIONAL
INTELLIGENCE AUTHORITY
Subtitle A—National Intelligence
Authority**

SEC. 101. NATIONAL INTELLIGENCE AUTHORITY.

(a) INDEPENDENT ESTABLISHMENT.—There is hereby established as an independent establishment in the executive branch of government the National Intelligence Authority.

(b) COMPOSITION.—The National Intelligence Authority is composed of the following:

(1) The Office of the National Intelligence Director.

(2) The elements specified in subtitle D.

(3) Such other elements, offices, agencies, and activities as may be established by law or by the President or the National Intelligence Director.

(c) PRIMARY MISSIONS.—The primary missions of the National Intelligence Authority are as follows:

(1) To unify and strengthen the efforts of the intelligence community of the United States Government.

(2) To ensure the organization of the efforts of the intelligence community of the United States Government in a joint manner relating to intelligence missions rather than through intelligence collection disciplines.

(3) To provide for the operation of the National Counterterrorism Center and national intelligence centers under subtitle D.

(4) To eliminate barriers that impede coordination of the counterterrorism activities of the United States Government between foreign intelligence activities located abroad and foreign intelligence activities located domestically while ensuring the protection of civil liberties.

(5) To establish clear responsibility and accountability for counterterrorism and other intelligence matters relating to the national security of the United States.

(d) SEAL.—The National Intelligence Director shall have a seal for the National Intelligence Authority. The design of

1 the seal is subject to the approval of the President. Judicial no-
2 tice shall be taken of the seal.

3 **SEC. 102. NATIONAL INTELLIGENCE DIRECTOR.**

4 (a) NATIONAL INTELLIGENCE DIRECTOR.—There is a Na-
5 tional Intelligence Director who shall be appointed by the Presi-
6 dent, by and with the advice and consent of the Senate.

7 (b) INDIVIDUALS ELIGIBLE FOR NOMINATION.—Any indi-
8 vidual nominated for appointment as National Intelligence Di-
9 rector shall have extensive national security expertise.

10 (c) PROHIBITION ON SIMULTANEOUS SERVICE IN OTHER
11 CAPACITY IN INTELLIGENCE COMMUNITY.—The individual
12 serving as National Intelligence Director may not, while so
13 serving, serve in any capacity in any other element of the intel-
14 ligence community, except to the extent that the individual
15 serving as National Intelligence Director does so in an acting
16 capacity.

17 (d) PRINCIPAL DUTIES AND RESPONSIBILITIES.—The Na-
18 tional Intelligence Director shall—

19 (1) serve as head of the intelligence community in ac-
20 cordance with the provisions of this Act, the National Secu-
21 rity Act of 1947 (50 U.S.C. 401 et seq.), and other appli-
22 cable provisions of law;

23 (2) act as a principal adviser to the President for in-
24 telligence related to the national security;

25 (3) serve as the head of the National Intelligence Au-
26 thority; and

27 (4) direct and oversee the National Intelligence Pro-
28 gram.

29 (e) GENERAL RESPONSIBILITIES AND AUTHORITIES.—In
30 carrying out the duties and responsibilities set forth in sub-
31 section (c), the National Intelligence Director shall have the re-
32 sponsibilities set forth in section 112 and the authorities set
33 forth in section 113 and other applicable provisions of law.

Subtitle B—Responsibilities and Authorities of National Intelligence Director

SEC. 111. PROVISION OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—The National Intelligence Director shall be responsible for providing national intelligence—

(1) to the President;

(2) to the heads of other departments and agencies of the executive branch;

(3) to the Chairman of the Joint Chiefs of Staff and senior military commanders;

(4) to the Senate and House of Representatives and the committees thereof; and

(5) to such other persons or entities as the President shall direct.

(b) NATIONAL INTELLIGENCE.—Such national intelligence shall be timely, objective, independent of political considerations, and based upon all sources available to the intelligence community.

SEC. 112. RESPONSIBILITIES OF NATIONAL INTELLIGENCE DIRECTOR.

(a) IN GENERAL.—The National Intelligence Director shall—

(1) determine the annual budget for the intelligence and intelligence-related activities of the United States by—

(A) providing to the heads of the departments containing agencies or elements within the intelligence community and that have one or more programs, projects, or activities within the National Intelligence program, and to the heads of such agencies and elements, guidance for development the National Intelligence Program budget pertaining to such agencies or elements;

(B) developing and presenting to the President an annual budget for the National Intelligence Program after consultation with the heads of agencies or ele-

1 ments, and the heads of their respective departments,
2 under subparagraph (A);

3 (C) providing budget guidance to each element of
4 the intelligence community that does not have one or
5 more program, project, or activity within the National
6 Intelligence Program regarding the intelligence and in-
7 telligence-related activities of such element; and

8 (D) participating in the development by the Sec-
9 retary of Defense of the annual budgets for the mili-
10 tary intelligence programs, projects, and activities not
11 included in the National Intelligence Program;

12 (2) manage and oversee the National Intelligence Pro-
13 gram, including—

14 (A) the execution of funds within the National In-
15 telligence Program;

16 (B) the reprogramming of funds appropriated or
17 otherwise made available to the National Intelligence
18 Program; and

19 (C) the transfer of funds and personnel under the
20 National Intelligence Program;

21 (3) establish the requirements and priorities to govern
22 the collection, analysis, and dissemination of national intel-
23 ligence by elements of the intelligence community;

24 (4) establish collection and analysis requirements for
25 the intelligence community, determine collection and anal-
26 ysis priorities, issue and manage collection and analysis
27 tasking, and resolve conflicts in the tasking of elements of
28 the intelligence community within the National Intelligence
29 Program, except as otherwise agreed with the Secretary of
30 Defense pursuant to the direction of the President;

31 (5) provide advisory tasking on the collection of intel-
32 ligence to elements of the United States Government hav-
33 ing information collection capabilities that are not elements
34 of the intelligence community;

35 (6) manage and oversee the National Counterterrorism
36 Center under section 143, and establish, manage, and over-
37 see national intelligence centers under section 144;

(7) establish requirements and priorities for foreign intelligence information to be collected under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), and provide assistance to the Attorney General to ensure that information derived from electronic surveillance or physical searches under that Act is disseminated so it may be used efficiently and effectively for foreign intelligence purposes, except that the Director shall have no authority to direct, manage, or undertake electronic surveillance or physical search operations pursuant to that Act unless otherwise authorized by statute or Executive order;

(8) develop and implement, in consultation with the heads of other agencies or elements of the intelligence community, and the heads of their respective departments, personnel policies and programs applicable to the intelligence community that—

(A) encourage and facilitate assignments and details of personnel to the National Counterterrorism Center under section 143, to national intelligence centers under section 144, and between elements of the intelligence community;

(B) set standards for education, training, and career development of personnel of the intelligence community;

(C) encourage and facilitate the recruitment and retention by the intelligence community of highly qualified individuals for the effective conduct of intelligence activities;

(D) ensure that the personnel of the intelligence community is sufficiently diverse for purposes of the collection and analysis of intelligence through the recruitment and training of women, minorities, and individuals with diverse ethnic, cultural, and linguistic backgrounds;

(E) make service in more than one element of the intelligence community a condition of promotion to

1 such positions within the intelligence community as the
2 Director shall specify;

3 (F) ensure the effective management of intel-
4 ligence community personnel who are responsible for
5 intelligence community-wide matters;

6 (G) provide for the effective management of
7 human capital within the intelligence community,
8 including—

9 (i) the alignment of human resource policies
10 and programs of the elements of the intelligence
11 community with the missions, goals, and organiza-
12 tional objectives of such elements and of the intel-
13 ligence community overall;

14 (ii) the assessment of workforce characteristics
15 and future needs and the establishment of work-
16 force development strategies to meet those needs
17 based on relevant organizational missions and stra-
18 tegic plans;

19 (iii) the sustainment of a culture that encour-
20 ages and allows for the development of a high per-
21 forming workforce; and

22 (iv) the alignment of expectations for per-
23 sonnel performance with relevant organizational
24 missions and strategic plans;

25 (H) are consistent with the public employment
26 principles of merit and fitness set forth under section
27 2301 of title 5, United States Code; and

28 (I) include the enhancements required under sec-
29 tion 114;

30 (9) promote and evaluate the utility of national intel-
31 ligence to consumers within the United States Government;

32 (10) ensure that appropriate officials of the United
33 States Government and other appropriate individuals have
34 access to a variety of intelligence assessments and analyt-
35 ical views;

36 (11) protect intelligence sources and methods from un-
37 authorized disclosure;

1 (12) establish requirements and procedures for the
2 classification of intelligence information and for access to
3 classified intelligence information;

4 (13) establish requirements and procedures for the
5 dissemination of classified information by elements of the
6 intelligence community;

7 (14) establish intelligence reporting guidelines that
8 maximize the dissemination of information while protecting
9 intelligence sources and methods;

10 (15) develop, in consultation with the heads of appro-
11 priate departments and agencies of the United States Gov-
12 ernment, an integrated communications network that pro-
13 vides interoperable communications capabilities among all
14 elements of the intelligence community and such other enti-
15 ties and persons as the Director considers appropriate;

16 (16) establish standards for information technology
17 and communications for the intelligence community;

18 (17) ensure that the intelligence community makes ef-
19 ficient and effective use of open-source information and
20 analysis;

21 (18) ensure compliance by elements of the intelligence
22 community with the Constitution and all laws, regulations,
23 Executive orders, and implementing guidelines of the
24 United States applicable to the intelligence and intelligence-
25 related activities of the United States Government, includ-
26 ing the provisions of the Constitution and all laws, regula-
27 tions, Executive orders, and implementing guidelines of the
28 United States applicable to the protection of the privacy
29 and civil liberties of United States persons;

30 (19) eliminate waste and unnecessary duplication with-
31 in the intelligence community; and

32 (20) perform such other functions as the President
33 may direct.

34 (b) UNIFORM PROCEDURES FOR SENSITIVE COMPART-
35 MENTED INFORMATION.—The President, acting through the
36 National Intelligence Director, shall establish uniform stand-

ards and procedures for the grant to sensitive compartmented information in accordance with section 115.

(c) PERFORMANCE OF COMMON SERVICES.—(1) The National Intelligence Director shall, in consultation with the heads of departments and agencies of the United States Government containing elements within the intelligence community and with the Director of the Central Intelligence Agency, direct and coordinate the performance by the elements of the intelligence community within the National Intelligence Program of such services as are of common concern to the intelligence community, which services the National Intelligence Director determines can be more efficiently accomplished in a consolidated manner.

(2) The services performed under paragraph (1) shall include research and development on technology for use in national intelligence missions.

(d) REGULATIONS.—The National Intelligence Director may prescribe regulations relating to the discharge and enforcement of the responsibilities of the Director under this section.

SEC. 113. AUTHORITIES OF NATIONAL INTELLIGENCE DIRECTOR.

(a) ACCESS TO INTELLIGENCE.—Unless otherwise directed by the President, the National Intelligence Director shall have access to all intelligence related to the national security which is collected by any department, agency, or other element of the United States Government.

(b) DETERMINATION OF BUDGETS FOR NIP AND OTHER INTELLIGENCE ACTIVITIES.—The National Intelligence Director shall determine the annual budget for the intelligence and intelligence-related activities of the United States Government under section 112(a)(1) by—

(1) providing to the heads of the departments containing agencies or elements within the intelligence community and that have one or more programs, projects, or activities within the National Intelligence program, and to the heads of such agencies and elements, guidance for develop-

1 ment the National Intelligence Program budget pertaining
2 to such agencies or elements;

3 (2) developing and presenting to the President an an-
4 nual budget for the National Intelligence Program after
5 consultation with the heads of agencies or elements, and
6 the heads of their respective departments, under paragraph
7 (1), including, in furtherance of such budget, the review,
8 modification, and approval of budgets of the agencies or
9 elements of the intelligence community with one or more
10 programs, projects, or activities within the National Intel-
11 ligence Program utilizing the budget authorities in sub-
12 section (c)(1);

13 (3) providing guidance on the development of annual
14 budgets for each element of the intelligence community that
15 does not have any program, project, or activity within the
16 National Intelligence Program utilizing the budget authori-
17 ties in subsection (c)(2);

18 (4) participating in the development by the Secretary
19 of Defense of the annual budget for military intelligence
20 programs and activities outside the National Intelligence
21 Program;

22 (4) receiving the appropriations for the National Intel-
23 ligence Program as specified in subsection (d) and allotting
24 and allocating funds to agencies and elements of the intel-
25 ligence community; and

26 (5) managing and overseeing the execution by the
27 agencies or elements of the intelligence community, and, if
28 necessary, the modification of the annual budget for the
29 National Intelligence Program, including directing the re-
30 programming and transfer of funds, and the transfer of
31 personnel, among and between elements of the intelligence
32 community within the National Intelligence Program uti-
33 lizing the authorities in subsections (f) and (g).

34 (c) BUDGET AUTHORITIES.—(1)(A) In developing and
35 presenting an annual budget for the elements of the intelligence
36 community within the National Intelligence Program under
37 subsection (b)(1), the National Intelligence Director shall co-

1 ordinate, prepare, and present to the President the annual
2 budgets of those elements, in consultation with the heads of
3 those elements.

4 (B) If any portion of the budget for an element of the in-
5 telligence community within the National Intelligence Program
6 is prepared outside the Office of the National Intelligence Di-
7 rector, the Director—

8 (i) shall approve such budget before submission to the
9 President; and

10 (ii) may require modifications of such budget to meet
11 the requirements and priorities of the Director before ap-
12 proving such budget under clause (i).

13 (C) The budget of an agency or element of the intelligence
14 community with one or more programs, projects, or activities
15 within the National Intelligence Program may not be provided
16 to the President unless the Director has first approved such
17 budget.

18 (2)(A) The Director shall provide guidance for the devel-
19 opment of the annual budgets for each agency or element of
20 the intelligence community that does not have any program,
21 project, or activity within the National Intelligence Program.

22 (B) The heads of the agencies or elements of the intel-
23 ligence community, and the heads of their respective depart-
24 ments, referred to in subparagraph (A) shall coordinate closely
25 with the Director in the development of the budgets of such
26 agencies or elements, before the submission of their rec-
27 ommendations on such budgets to the President.

28 (d) JURISDICTION OF FUNDS UNDER NIP.—(1) Notwith-
29 standing any other provision of law and consistent with section
30 504 of the National Security Act of 1947 (50 U.S.C. 414), any
31 amounts appropriated or otherwise made available for the Na-
32 tional Intelligence Program shall be appropriated to the Na-
33 tional Intelligence Authority and, pursuant to subsection (e),
34 under the direct jurisdiction of the National Intelligence Direc-
35 tor.

36 (2) The Director shall manage and oversee the execution
37 by each element of the intelligence community of any amounts

1 appropriated or otherwise made available to such element under
2 the National Intelligence Program.

3 (e) ACCOUNTS FOR ADMINISTRATION OF NIP FUNDS.—

4 (1) The Secretary of the Treasury shall, in consultation with
5 the National Intelligence Director, establish accounts for the
6 funds under the jurisdiction of the Director under subsection
7 (d) for purposes of carrying out the responsibilities and au-
8 thorities of the Director under this Act with respect to the Na-
9 tional Intelligence Program.

10 (2) The National Intelligence Director shall—

11 (A) control and manage the accounts established
12 under paragraph (1); and

13 (B) with the concurrence of the Director of the Office
14 of Management and Budget, establish procedures governing
15 the use (including transfers and reprogrammings) of funds
16 in such accounts.

17 (3)(A) To the extent authorized by law, a certifying offi-
18 cial shall follow the procedures established under paragraph
19 (2)(B) with regard to each account established under para-
20 graph (1). Disbursements from any such account shall only be
21 made against a valid obligation of such account.

22 (B) In this paragraph, the term “certifying official”, with
23 respect to an element of the intelligence community, means an
24 employee of the element who has responsibilities specified in
25 section 3528(a) of title 31, United States Code.

26 (4) The National Intelligence Director shall allot funds de-
27 posited in an account established under paragraph (1) directly
28 to the head of the elements of the intelligence community con-
29 cerned in accordance with the procedures established under
30 paragraph (2)(B).

31 (5) Each account established under paragraph (1) shall be
32 subject to chapters 13 and 15 of title 31, United States Code,
33 other than sections 1503 and 1556 of that title.

34 (6) Nothing in this subsection shall be construed to impair
35 or otherwise affect the authority granted by subsection (g)(3)
36 or by section 5 or 8 of the Central Intelligence Agency Act of
37 1949 (50 U.S.C. 403f, 403j).

1 (f) ROLE IN REPROGRAMMING OR TRANSFER OF NIP
2 FUNDS BY ELEMENTS OF INTELLIGENCE COMMUNITY.—(1)
3 No funds made available under the National Intelligence Pro-
4 gram may be reprogrammed or transferred by any agency or
5 element of the intelligence community without the prior ap-
6 proval of the National Intelligence Director except in accord-
7 ance with procedures issued by the Director.

8 (2) The head of the department concerned shall consult
9 with the Director before reprogramming or transferring funds
10 appropriated or otherwise made available to an agency or ele-
11 ment of the intelligence community that does not have any pro-
12 gram, project, or activity within the National Intelligence Pro-
13 gram.

14 (3) The Director shall, before reprogramming funds appro-
15 priated or otherwise made available for an element of the intel-
16 ligence community within the National Intelligence Program,
17 consult with the head of the department or agency having juris-
18 diction over such element regarding such reprogramming.

19 (4)(A) The Director shall consult with the appropriate
20 committees of Congress regarding modifications of existing pro-
21 cedures to expedite the reprogramming of funds within the Na-
22 tional Intelligence Program.

23 (B) Any modification of procedures under subparagraph
24 (A) shall include procedures for the notification of the appro-
25 priate committees of Congress of any objection raised by the
26 head of a department or agency to a reprogramming proposed
27 by the Director as a result of consultations under paragraph
28 (3).

29 (g) TRANSFER OR REPROGRAMMING OF FUNDS AND
30 TRANSFER OF PERSONNEL WITHIN NIP.—(1) In addition to
31 any other authorities available under law for such purposes, the
32 National Intelligence Director, with the approval of the Direc-
33 tor of the Office of Management and Budget and after con-
34 sultation with the heads of the departments containing agencies
35 or elements within the intelligence community to the extent
36 their subordinate agencies or elements are affected, with the
37 heads of such subordinate agencies or elements, and with the

1 Director of the Central Intelligence Agency to the extent the
2 Central Intelligence Agency is affected, may—

3 (A) transfer or reprogram funds appropriated for a
4 program within the National Intelligence Program to an-
5 other such program;

6 (B) review, and approve or disapprove, any proposal to
7 transfer or reprogram funds from appropriations that are
8 not for the National Intelligence Program to appropriations
9 for the National Intelligence Program;

10 (C) in accordance with procedures to be developed by
11 the National Intelligence Director, transfer personnel of the
12 intelligence community funded through the National Intel-
13 ligence Program from one element of the intelligence com-
14 munity to another element of the intelligence community;
15 and

16 (D) in accordance with procedures to be developed by
17 the National Intelligence Director and the heads of the de-
18 partments and agencies concerned, transfer personnel of
19 the intelligence community not funded through the Na-
20 tional Intelligence Program from one element of the intel-
21 ligence community to another element of the intelligence
22 community.

23 (2) A transfer of funds or personnel may be made under
24 this subsection only if—

25 (A) the funds or personnel are being transferred to an
26 activity that is a higher priority intelligence activity;

27 (B) the transfer does not involve a transfer of funds
28 to the Reserve for Contingencies of the National Intel-
29 ligence Director; or

30 (C) the transfer does not exceed applicable ceilings es-
31 tablished in law for such transfers.

32 (3) Funds transferred under this subsection shall remain
33 available for the same period as the appropriations account to
34 which transferred.

35 (4) Any transfer of funds under this subsection shall be
36 carried out in accordance with existing procedures applicable to
37 reprogramming notifications for the appropriate congressional

1 committees. Any proposed transfer for which notice is given to
2 the appropriate congressional committees shall be accompanied
3 by a report explaining the nature of the proposed transfer and
4 how it satisfies the requirements of this subsection. In addition,
5 the congressional intelligence committees shall be promptly no-
6 tified of any transfer of funds made pursuant to this subsection
7 in any case in which the transfer would not have otherwise re-
8 quired reprogramming notification under procedures in effect
9 as of October 24, 1992.

10 (5)(A) The National Intelligence Director shall promptly
11 submit to the appropriate committees of Congress a report on
12 any transfer of personnel made pursuant to this subsection.
13 The Director shall include in any such report an explanation
14 of the nature of the transfer and how it satisfies the require-
15 ments of this subsection.

16 (B) In this paragraph, the term “appropriate committees
17 of Congress” means—

18 (i)(I) the Committee on Appropriations and the Select
19 Committee on Intelligence of the Senate; and

20 (II) the Committee on Appropriations and the Perma-
21 nent Select Committee on Intelligence of the House of Rep-
22 resentatives;

23 (ii) in the case of a transfer of personnel to or from
24 the Department of Defense—

25 (I) the committees and select committees referred
26 to in clause (i);

27 (II) the Committee on Armed Services of the Sen-
28 ate; and

29 (III) the Committee on Armed Services of the
30 House of Representatives;

31 (iii) in the case of a transfer of personnel to or from
32 the Federal Bureau of Investigation—

33 (I) the committees and select committees referred
34 to in clause (i);

35 (II) the Committee on the Judiciary of the Senate;
36 and

1 (III) the Committee on the Judiciary of the House
2 of Representatives; and

3 (iv) in the case of a transfer of personnel to or from
4 the Department of Homeland Security—

5 (I) the committees and select committees referred
6 to in clause (i);

7 (II) the Committee on Governmental Affairs of the
8 Senate; and

9 (III) the Select Committee on Homeland Security
10 of the House of Representatives.

11 (h) INFORMATION TECHNOLOGY AND COMMUNICA-
12 TIONS.—(1) In conforming with section 205, in carrying out
13 section 112(a)(16), the National Intelligence Director shall—

14 (A) establish standards for information technology and
15 communications across the intelligence community;

16 (B) develop an integrated information technology net-
17 work and enterprise architecture for the intelligence com-
18 munity, including interface standards for interoperability to
19 enable automated information-sharing among elements of
20 the intelligence community;

21 (C) maintain an inventory of critical information tech-
22 nology and communications systems, and eliminate unnec-
23 essary or duplicative systems;

24 (D) establish contingency plans for the intelligence
25 community regarding information technology and commu-
26 nications; and

27 (E) establish policies, doctrine, training, and other
28 measures necessary to ensure that the intelligence commu-
29 nity develops an integrated information technology and
30 communications network that ensures information-sharing.

31 (2) Consistent with section 205, the Director shall take
32 any action necessary, including the setting of standards for in-
33 formation technology and communications across the intel-
34 ligence community, to develop an integrated information tech-
35 nology and communications network that ensures information-
36 sharing across the intelligence community.

1 (i) COORDINATION WITH FOREIGN GOVERNMENTS.—In a
2 manner consistent with section 207 of the Foreign Service Act
3 of 1980 (22 U.S.C. 3927), the National Intelligence Director
4 shall oversee and direct the Director of the Central Intelligence
5 Agency in coordinating, under section 103(f) of the National
6 Security Act of 1947, the relationships between elements of the
7 intelligence community and the intelligence or security services
8 of foreign governments on all matters involving intelligence re-
9 lated to the national security or involving intelligence acquired
10 through clandestine means.

11 (j) OPEN SOURCE INFORMATION COLLECTION.—The Na-
12 tional Intelligence Director shall establish and maintain within
13 the intelligence community an effective and efficient open-
14 source information collection capability.

15 (k) ACCESS TO INFORMATION.—Except as otherwise di-
16 rected by the President, the head of each element of the intel-
17 ligence community shall promptly provide the National Intel-
18 ligence Director such information in the possession or under
19 the control of such element as the Director may request in
20 order to facilitate the exercise of the authorities and respon-
21 sibilities of the Director under this Act.

22 **SEC. 114. ENHANCED PERSONNEL MANAGEMENT.**

23 (a) REWARDS FOR SERVICE IN CERTAIN POSITIONS.—(1)
24 The National Intelligence Director shall prescribe regulations
25 to provide incentives for service on the staff of the national in-
26 telligence centers, on the staff of the National Counterterrorism
27 Center, and in other positions in support of the intelligence
28 community management functions of the Director.

29 (2) Incentives under paragraph (1) may include financial
30 incentives, bonuses, and such other awards and incentives as
31 the Director considers appropriate.

32 (b) ENHANCED PROMOTION FOR SERVICE UNDER NID.—
33 Notwithstanding any other provision of law, the National Intel-
34 ligence Director shall ensure that personnel of an element of
35 the intelligence community who are assigned or detailed to
36 service under the National Intelligence Director shall be pro-

1 moted at rates equivalent to or better than personnel of such
2 element who are not so assigned or detailed.

3 (c) JOINT CAREER MATTERS.—(1) In carrying out section
4 112(a)(8), the National Intelligence Director shall prescribe
5 mechanisms to facilitate the rotation of personnel of the intel-
6 ligence community through various elements of the intelligence
7 community in the course of their careers in order to facilitate
8 the widest possible understanding by such personnel of the va-
9 riety of intelligence requirements, methods, and disciplines.

10 (2) The mechanisms prescribed under paragraph (1) may
11 include the following:

12 (A) The establishment of special occupational cat-
13 egories involving service, over the course of a career, in
14 more than one element of the intelligence community.

15 (B) The provision of rewards for service in positions
16 undertaking analysis and planning of operations involving
17 two or more elements of the intelligence community.

18 (C) The establishment of requirements for education,
19 training, service, and evaluation that involve service in
20 more than one element of the intelligence community.

21 (3) It is the sense of Congress that the mechanisms pre-
22 scribed under this subsection should, to the extent practical,
23 seek to duplicate within the intelligence community the joint of-
24 ficer management policies established by the Goldwater–Nichols
25 Department of Defense Reorganization Act of 1986 (Public
26 Law 99–433) and the amendments on joint officer management
27 made by that Act.

28 **SEC. 115. SECURITY CLEARANCES.**

29 (a) IN GENERAL.—The President, in consultation with the
30 National Intelligence Director, the department, agency, or ele-
31 ment selected under (b), and other appropriate officials shall—

32 (1) establish uniform standards and procedures for the
33 grant of access to classified information for employees and
34 contractor personnel of the United States Government who
35 require access to such information;

36 (2) ensure the consistent implementation of the stand-
37 ards and procedures established under paragraph (1)

1 throughout the departments, agencies, and elements of the
2 United States Government and under contracts entered
3 into by such departments, agencies, and elements;

4 (3) ensure that an individual who is granted or contin-
5 ued eligibility for access to classified information is treated
6 by each department, agency, or element of the executive
7 branch as eligible for access to classified information at
8 that level for all purposes of each such department, agency,
9 or element, regardless of which department, agency, or ele-
10 ment of the executive branch granted or continued the eli-
11 gibility of such individual for access to classified informa-
12 tion;

13 (4) establish uniform requirements and standards, in-
14 cluding for security questionnaires, financial disclosure re-
15 quirements, and standards for administering polygraph ex-
16 aminations, to be utilized for the performance of security
17 clearance investigations, including by the contractors con-
18 ducting such investigations; and

19 (5) ensure that the database established under sub-
20 section (b)(2)(B) meets the needs of the intelligence com-
21 munity.

22 (b) PERFORMANCE OF SECURITY CLEARANCE INVESTIGA-
23 TIONS.—(1) Not later than 45 days after the date of the enact-
24 ment of this Act, the President shall select a single department,
25 agency, or element of the executive branch to conduct all secu-
26 rity clearance investigations of employees and contractor per-
27 sonnel of the United States Government who require access to
28 classified information and to provide and maintain all security
29 clearances of such employees and contractor personnel.

30 (2) The department, agency, or element selected under
31 paragraph (1) shall—

32 (A) take all necessary actions to carry out the re-
33 quirements of this section, including entering into a
34 memorandum of understanding with any agency car-
35 rying out responsibilities relating to security clearances
36 or security clearance investigations before the date of
37 the enactment of this Act;

1 (B) as soon as practicable, establish and maintain
2 a single database for tracking security clearance appli-
3 cations, security clearance investigations, and deter-
4 minations of eligibility for security clearances, which
5 database shall incorporate applicable elements of simi-
6 lar databases in existence on the date of the enactment
7 of this Act; and

8 (C) ensure that security clearance investigations
9 are conducted in accordance with uniform standards
10 and requirements established under subsection (a)(4),
11 including uniform security questionnaires and financial
12 disclosure requirements.

13 (c) ADJUDICATION AND GRANT OF SECURITY CLEAR-
14 ANCES.—(1) Each agency that adjudicates and grants security
15 clearances as of the date of the enactment of this Act may con-
16 tinue to adjudicate and grant security clearances after that
17 date.

18 (2) Each agency that adjudicates and grants security
19 clearances shall specify to the department, agency, or element
20 selected under subsection (b) the level of security clearance in-
21 vestigation required for an individual under its jurisdiction.

22 (3) Upon granting or continuing eligibility for access to
23 classified information to an individual under its jurisdiction, an
24 agency that adjudicates and grants security clearances shall
25 submit to the department, agency, or element selected under
26 subsection (b) notice of that action, including the level of access
27 to classified information granted.

28 (d) UTILIZATION OF PERSONNEL.—There shall be trans-
29 ferred to the department, agency, or element selected under
30 subsection (b) any personnel of any executive agency whose sole
31 function as of the date of the enactment of this Act is the per-
32 formance of security clearance investigations.

33 (e) TRANSITION.—The President shall take appropriate
34 actions to ensure that the performance of security clearance in-
35 vestigations under this section commences not later than one
36 year after the date of the enactment of this Act.

1 **SEC. 116. NATIONAL INTELLIGENCE RESERVE CORPS.**

2 (a) **ESTABLISHMENT.**—The National Intelligence Director
3 may provide for the establishment and training of a National
4 Intelligence Reserve Corps (in this section referred to as “Na-
5 tional Intelligence Reserve Corps”) for the temporary reemploy-
6 ment on a voluntary basis of former employees of elements of
7 the intelligence community during periods of emergency, as de-
8 termined by the Director.

9 (b) **ELIGIBLE INDIVIDUALS.**—An individual may partici-
10 pate in the National Intelligence Reserve Corps only if the indi-
11 vidual previously served as a full time employee of an element
12 of the intelligence community.

13 (c) **LIMITATION ON MEMBERSHIP.**—The total number of
14 individuals who are members of the National Intelligence Re-
15 serve Corps at any given time may not exceed 200 individuals.

16 (d) **TERMS OF PARTICIPATION.**—The National Intelligence
17 Director shall prescribe the terms and conditions under which
18 eligible individuals may participate in the National Intelligence
19 Reserve Corps.

20 (e) **EXPENSES.**—The National Intelligence Director may
21 provide members of the National Intelligence Reserve Corps
22 transportation and per diem in lieu of subsistence for purposes
23 of participating in any training that relates to service as a
24 member of the Reserve Corps.

25 (f) **TREATMENT OF ANNUITANTS.**—(1) If an annuitant re-
26 ceiving an annuity from the Civil Service Retirement and Dis-
27 ability Fund becomes temporarily reemployed pursuant to this
28 section, such annuity shall not be discontinued thereby.

29 (2) An annuitant so reemployed shall not be considered an
30 employee for the purposes of chapter 83 or 84 of title 5, United
31 States Code.

32 (g) **TREATMENT UNDER NATIONAL INTELLIGENCE AU-**
33 **THORITY PERSONNEL CEILING.**—A member of the National In-
34 telligence Reserve Corps who is reemployed on a temporary
35 basis pursuant to this section shall not count against any per-
36 sonnel ceiling applicable to the National Intelligence Authority.

1 **SEC. 117. APPOINTMENT AND TERMINATION OF CER-**
2 **TAIN OFFICIALS RESPONSIBLE FOR INTEL-**
3 **LIGENCE-RELATED ACTIVITIES.**

4 (a) RECOMMENDATION OF NID IN CERTAIN APPOINT-
5 MENT.—In the event of a vacancy in the position of Director
6 of the Central Intelligence Agency, the National Intelligence
7 Director shall recommend to the President an individual for
8 nomination to fill the vacancy.

9 (b) CONCURRENCE OF SECRETARY OF DEFENSE IN CER-
10 TAIN APPOINTMENTS RECOMMENDED BY NID.—(1) In the
11 event of a vacancy in a position referred to in paragraph (2),
12 the National Intelligence Director shall obtain the concurrence
13 of the Secretary of Defense before recommending to the Presi-
14 dent an individual for nomination to fill such vacancy. If the
15 Secretary does not concur in the recommendation, the Director
16 may make the recommendation to the President without the
17 concurrence of the Secretary, but shall include in the rec-
18 ommendation a statement that the Secretary does not concur
19 in the recommendation.

20 (2) Paragraph (1) applies to the following positions:

21 (A) The Director of the National Security Agency.

22 (B) The Director of the National Reconnaissance Of-
23 fice.

24 (C) The Director of the National Geospatial-Intel-
25 ligence Agency.

26 (c) CONCURRENCE OF NID IN CERTAIN APPOINT-
27 MENTS.—(1) In the event of a vacancy in a position referred
28 to in paragraph (2), the head of the department or agency hav-
29 ing jurisdiction over the position shall obtain the concurrence
30 of the National Intelligence Director before appointing an indi-
31 vidual to fill the vacancy or recommending to the President an
32 individual to be nominated to fill the vacancy. If the Director
33 does not concur in the recommendation, the head of the depart-
34 ment or agency concerned may fill the vacancy or make the rec-
35 ommendation to the President (as the case may be) without the
36 concurrence of the Director, but shall notify the President that

1 the Director does not concur in appointment or recommenda-
2 tion (as the case may be).

3 (2) Paragraph (1) applies to the following positions:

4 (A) The Under Secretary of Defense for Intelligence.

5 (B) The Assistant Secretary of Homeland Security for
6 Information Analysis.

7 (C) The Director of the Defense Intelligence Agency.

8 (D) The Executive Assistant Director for Intelligence
9 of the Federal Bureau of Investigation.

10 (d) RECOMMENDATION OF NID ON TERMINATION OF
11 SERVICE.—(1) The National Intelligence Director may rec-
12 ommend to the President or the head of the department or
13 agency concerned the termination of service of any individual
14 serving in any position covered by this section.

15 (2) In the event the Director intends to recommend to the
16 President the termination of service of an individual under
17 paragraph (1), the Director shall seek the concurrence of the
18 head of the department or agency concerned. If the head of the
19 department or agency concerned does not concur in the rec-
20 ommendation, the Director may make the recommendation to
21 the President without the concurrence of the head of the de-
22 partment or agency concerned, but shall notify the President
23 that the head of the department or agency concerned does not
24 concur in the recommendation.

25 **SEC. 118. RESERVE FOR CONTINGENCIES OF THE NA-**
26 **TIONAL INTELLIGENCE DIRECTOR.**

27 (a) ESTABLISHMENT.—There is hereby established on the
28 books of the Treasury an account to be known as the Reserve
29 for Contingencies of the National Intelligence Director.

30 (b) ELEMENTS.—The Reserve shall consist of the fol-
31 lowing elements:

32 (1) Amounts authorized to be appropriated to the Re-
33 serve.

34 (2) Any amounts authorized to be transferred to or
35 deposited in the Reserve by law.

36 (c) AVAILABILITY.—Amounts in the Reserve shall be avail-
37 able for such purposes as are provided by law.

1 (d) TRANSFER OF FUNDS OF RESERVE FOR CONTIN-
2 GENCIES OF CIA.—There shall be transferred to the Reserve
3 for Contingencies of the National Intelligence Director all un-
4 obligated balances of the Reserve for Contingencies of the Cen-
5 tral Intelligence Agency as of the date of the enactment of this
6 Act.

7 **Subtitle C—Office of the National** 8 **Intelligence Director**

9 **SEC. 121. OFFICE OF THE NATIONAL INTELLIGENCE DI-** 10 **RECTOR.**

11 (a) OFFICE OF NATIONAL INTELLIGENCE DIRECTOR.—
12 There is within the National Intelligence Authority an Office
13 of the National Intelligence Director.

14 (b) FUNCTION.—The function of the Office of the Na-
15 tional Intelligence Director is to assist the National Intelligence
16 Director in carrying out the duties and responsibilities of the
17 Director under this Act, the National Security Act of 1947 (50
18 U.S.C. 401 et seq.), and other applicable provisions of law, and
19 to carry out such other duties as may be prescribed by the
20 President or by law.

21 (c) COMPOSITION.—The Office of the National Intelligence
22 Director is composed of the following:

23 (1) The Principal Deputy National Intelligence Direc-
24 tor.

25 (2) Any Deputy National Intelligence Director ap-
26 pointed under section 122(b).

27 (3) The National Intelligence Council.

28 (4) The General Counsel of the National Intelligence
29 Authority.

30 (5) The Intelligence Comptroller.

31 (6) The Officer for Civil Rights and Civil Liberties of
32 the National Intelligence Authority.

33 (7) The Privacy Officer of the National Intelligence
34 Authority.

35 (8) The Chief Information Officer of the National In-
36 telligence Authority.

1 (9) The Chief Human Capital Officer of the National
2 Intelligence Authority.

3 (10) The Chief Financial Officer of the National Intel-
4 ligence Authority.

5 (11) The National Counterintelligence Executive (in-
6 cluding the Office of the National Counterintelligence Exec-
7 utive).

8 (12) Such other offices and officials as may be estab-
9 lished by law or the Director may establish or designate in
10 the Office.

11 (d) STAFF.—(1) To assist the National Intelligence Direc-
12 tor in fulfilling the duties and responsibilities of the Director,
13 the Director shall employ and utilize in the Office of the Na-
14 tional Intelligence Director a professional staff having an ex-
15 pertise in matters relating to such duties and responsibilities,
16 and may establish permanent positions and appropriate rates
17 of pay with respect to that staff.

18 (2) The staff of the Office of the National Intelligence Di-
19 rector under paragraph (1) shall include the staff of the Office
20 of the Deputy Director of Central Intelligence for Community
21 Management that is transferred to the Office of the National
22 Intelligence Director under section 321.

23 (e) PROHIBITION ON CO-LOCATION WITH OTHER ELE-
24 MENTS OF INTELLIGENCE COMMUNITY.—Commencing as of
25 October 1, 2006, the Office of the National Intelligence Direc-
26 tor may not be co-located with any other element of the intel-
27 ligence community.

28 **SEC. 122. DEPUTY NATIONAL INTELLIGENCE DIREC-**
29 **TORS.**

30 (a) PRINCIPAL DEPUTY NATIONAL INTELLIGENCE DIREC-
31 TOR.—(1) There is a Principal Deputy National Intelligence
32 Director who shall be appointed by the President, by and with
33 the advice and consent of the Senate.

34 (2) In the event of a vacancy in the position of Principal
35 Deputy National Intelligence Director, the National Intelligence
36 Director shall recommend to the President an individual for ap-
37 pointment as Principal Deputy National Intelligence Director.

(3) Any individual nominated for appointment as Principal Deputy National Intelligence Director shall have extensive national security experience and management expertise.

(4) The individual serving as Principal Deputy National Intelligence Director may not, while so serving, serve in any capacity in any other element of the intelligence community, except to the extent that the individual serving as Principal Deputy National Intelligence Director is doing so in an acting capacity.

(5) The Principal Deputy National Intelligence Director shall assist the National Intelligence Director in carrying out the duties and responsibilities of the Director.

(6) The Principal Deputy National Intelligence Director shall act for, and exercise the powers of, the National Intelligence Director during the absence or disability of the National Intelligence Director or during a vacancy in the position of National Director of Intelligence.

(b) DEPUTY NATIONAL INTELLIGENCE DIRECTORS.—(1) There may be not more than four Deputy National Intelligence Directors who shall be appointed by the President.

(2) In the event of a vacancy in any position of Deputy National Intelligence Director established under this subsection, the National Intelligence Director shall recommend to the President an individual for appointment to such position.

(3) Each Deputy National Intelligence Director appointed under this subsection shall have such duties, responsibilities, and authorities as the National Intelligence Director may assign or are specified by law.

SEC. 123. NATIONAL INTELLIGENCE COUNCIL.

(a) NATIONAL INTELLIGENCE COUNCIL.—There is a National Intelligence Council.

(b) COMPOSITION.—(1) The National Intelligence Council shall be composed of senior analysts within the intelligence community and substantive experts from the public and private sector, who shall be appointed by, report to, and serve at the pleasure of, the National Intelligence Director.

(2) The Director shall prescribe appropriate security requirements for personnel appointed from the private sector as a condition of service on the Council, or as contractors of the Council or employees of such contractors, to ensure the protection of intelligence sources and methods while avoiding, wherever possible, unduly intrusive requirements which the Director considers to be unnecessary for this purpose.

(c) DUTIES AND RESPONSIBILITIES.—(1) The National Intelligence Council shall—

(A) produce national intelligence estimates for the United States Government, including alternative views held by elements of the intelligence community and other information as specified in paragraph (2);

(B) evaluate community-wide collection and production of intelligence by the intelligence community and the requirements and resources of such collection and production; and

(C) otherwise assist the National Intelligence Director in carrying out the responsibilities of the Director under section 111.

(2) The National Intelligence Director shall ensure that the Council satisfies the needs of policymakers and other consumers of intelligence by ensuring that each national intelligence estimate under paragraph (1)—

(A) states separately, and distinguishes between, the intelligence underlying such estimate and the assumptions and judgments of analysts with respect to such intelligence and such estimate;

(B) describes the quality and reliability of the intelligence underlying such estimate;

(C) presents and explains alternative conclusions, if any, with respect to the intelligence underlying such estimate and such estimate; and

(D) characterizes the uncertainties, if any, and confidence in such estimate.

(d) SERVICE AS SENIOR INTELLIGENCE ADVISERS.— Within their respective areas of expertise and under the direc-

1 tion of the National Intelligence Director, the members of the
2 National Intelligence Council shall constitute the senior intel-
3 ligence advisers of the intelligence community for purposes of
4 representing the views of the intelligence community within the
5 United States Government.

6 (e) **AUTHORITY TO CONTRACT.**—Subject to the direction
7 and control of the National Intelligence Director, the National
8 Intelligence Council may carry out its responsibilities under
9 this section by contract, including contracts for substantive ex-
10 perts necessary to assist the Council with particular assess-
11 ments under this section.

12 (f) **STAFF.**—The National Intelligence Director shall make
13 available to the National Intelligence Council such staff as may
14 be necessary to permit the Council to carry out its responsibil-
15 ities under this section.

16 (g) **AVAILABILITY OF COUNCIL AND STAFF.**—(1) The Na-
17 tional Intelligence Director shall take appropriate measures to
18 ensure that the National Intelligence Council and its staff sat-
19 isfy the needs of policymaking officials and other consumers of
20 intelligence.

21 (2) The Council shall be readily accessible to policymaking
22 officials and other appropriate individuals not otherwise associ-
23 ated with the intelligence community.

24 (h) **SUPPORT.**—The heads of the elements of the intel-
25 ligence community shall, as appropriate, furnish such support
26 to the National Intelligence Council, including the preparation
27 of intelligence analyses, as may be required by the National In-
28 telligence Director.

29 **SEC. 124. GENERAL COUNSEL OF THE NATIONAL INTEL-**
30 **LIGENCE AUTHORITY.**

31 (a) **GENERAL COUNSEL OF NATIONAL INTELLIGENCE AU-**
32 **THORITY.**—There is a General Counsel of the National Intel-
33 ligence Authority who shall be appointed from civilian life by
34 the President, by and with the advice and consent of the Sen-
35 ate.

36 (b) **PROHIBITION ON DUAL SERVICE AS GENERAL COUN-**
37 **SEL OF ANOTHER AGENCY.**—The individual serving in the po-

1 sition of General Counsel of the National Intelligence Authority
2 may not, while so serving, also serve as the General Counsel
3 of any other department, agency, or element of the United
4 States Government.

5 (c) SCOPE OF POSITION.—The General Counsel of the Na-
6 tional Intelligence Authority is the chief legal officer of the Na-
7 tional Intelligence Authority.

8 (d) FUNCTIONS.—The General Counsel of the National In-
9 telligence Authority shall perform such functions as the Na-
10 tional Intelligence Director may prescribe.

11 **SEC. 125. INTELLIGENCE COMPTROLLER.**

12 (a) INTELLIGENCE COMPTROLLER.—There is an Intel-
13 ligence Comptroller who shall be appointed from civilian life by
14 the National Intelligence Director.

15 (b) SUPERVISION.—The Intelligence Comptroller shall re-
16 port directly to the National Intelligence Director.

17 (c) DUTIES.—The Intelligence Comptroller shall—

18 (1) assist the National Intelligence Director in the
19 preparation and execution of the budget of the elements of
20 the intelligence community within the National Intelligence
21 Program;

22 (2) assist the Director in participating in the develop-
23 ment by the Secretary of Defense of the annual budget for
24 military intelligence programs and activities outside the
25 National Intelligence Program;

26 (3) provide unfettered access to the Director to finan-
27 cial information under the National Intelligence Program;

28 (4) perform such other duties as may be prescribed by
29 the Director or specified by law.

30 **SEC. 126. OFFICER FOR CIVIL RIGHTS AND CIVIL LIB-**
31 **ERTIES OF THE NATIONAL INTELLIGENCE**
32 **AUTHORITY.**

33 (a) OFFICER FOR CIVIL RIGHTS AND CIVIL LIBERTIES OF
34 NATIONAL INTELLIGENCE AUTHORITY.—There is an Officer
35 for Civil Rights and Civil Liberties of the National Intelligence
36 Authority who shall be appointed by the President.

1 (b) SUPERVISION.—The Officer for Civil Rights and Civil
2 Liberties of the National Intelligence Authority shall report di-
3 rectly to the National Intelligence Director.

4 (c) DUTIES.—The Officer for Civil Rights and Civil Lib-
5 erties of the National Intelligence Authority shall—

6 (1) assist the National Intelligence Director in ensur-
7 ing that the protection of civil rights and civil liberties, as
8 provided in the Constitution, laws, regulations, and Execu-
9 tive orders of the United States, is appropriately incor-
10 porated in—

11 (A) the policies and procedures developed for and
12 implemented by the National Intelligence Authority;

13 (B) the policies and procedures regarding the rela-
14 tionships among the elements of the intelligence com-
15 munity within the National Intelligence Program; and

16 (C) the policies and procedures regarding the rela-
17 tionships between the elements of the intelligence com-
18 munity within the National Intelligence Program and
19 the other elements of the intelligence community;

20 (2) oversee compliance by the Authority, and in the re-
21 lationships described in paragraph (1), with requirements
22 under the Constitution and all laws, regulations, Executive
23 orders, and implementing guidelines relating to civil rights
24 and civil liberties;

25 (3) review, investigate, and assess complaints and
26 other information indicating possible abuses of civil rights
27 or civil liberties, as provided in the Constitution, laws, reg-
28 ulations, and Executive orders of the United States, in the
29 administration of the programs and operations of the Au-
30 thority, and in the relationships described in paragraph (1),
31 unless, in the determination of the Inspector General of the
32 National Intelligence Authority, the review, investigation,
33 or assessment of a particular complaint or information can
34 better be conducted by the Inspector General;

35 (4) coordinate with the Privacy Officer of the National
36 Intelligence Authority to ensure that programs, policies,
37 and procedures involving civil rights, civil liberties, and pri-

1 vacy considerations are addressed in an integrated and
2 comprehensive manner; and

3 (5) perform such other duties as may be prescribed by
4 the Director or specified by law.

5 **SEC. 127. PRIVACY OFFICER OF THE NATIONAL INTEL-**
6 **LIGENCE AUTHORITY.**

7 (a) PRIVACY OFFICER OF NATIONAL INTELLIGENCE AU-
8 THORITY.—There is a Privacy Officer of the National Intel-
9 ligence Authority who shall be appointed by the National Intel-
10 ligence Director.

11 (b) DUTIES.—(1) The Privacy Officer of the National In-
12 telligence Authority shall have primary responsibility for the
13 privacy policy of the National Intelligence Authority (including
14 in the relationships among the elements of the intelligence com-
15 munity within the National Intelligence Program and the rela-
16 tionships between the elements of the intelligence community
17 within the National Intelligence Program and the other ele-
18 ments of the intelligence community).

19 (2) In discharging the responsibility under paragraph (1),
20 the Privacy Officer shall—

21 (A) assure that the use of technologies sustain, and do
22 not erode, privacy protections relating to the use, collection,
23 and disclosure of personal information;

24 (B) assure that personal information contained in Pri-
25 vacy Act systems of records is handled in full compliance
26 with fair information practices as set out in the Privacy
27 Act of 1974;

28 (C) conduct privacy impact assessments when appro-
29 priate or as required by law; and

30 (D) coordinate with the Officer for Civil Rights and
31 Civil Liberties of the National Intelligence Authority to en-
32 sure that programs, policies, and procedures involving civil
33 rights, civil liberties, and privacy considerations are ad-
34 dressed in an integrated and comprehensive manner.

1 **SEC. 128. CHIEF INFORMATION OFFICER OF THE NA-**
2 **TIONAL INTELLIGENCE AUTHORITY.**

3 (a) CHIEF INFORMATION OFFICER OF NATIONAL INTEL-
4 LIGENCE AUTHORITY.—There is a Chief Information Officer of
5 the National Intelligence Authority who shall be appointed by
6 the National Intelligence Director.

7 (b) DUTIES.—The Chief Information Officer of the Na-
8 tional Intelligence Authority shall—

9 (1) assist the National Intelligence Director in imple-
10 menting the responsibilities and executing the authorities
11 related to information technology under paragraphs (15)
12 and (16) of section 112(a) and section 113(h); and

13 (2) perform such other duties as may be prescribed by
14 the Director or specified by law.

15 **SEC. 129. CHIEF HUMAN CAPITAL OFFICER OF THE NA-**
16 **TIONAL INTELLIGENCE AUTHORITY.**

17 (a) CHIEF HUMAN CAPITAL OFFICER OF NATIONAL IN-
18 TELLIGENCE AUTHORITY.—There is a Chief Human Capital
19 Officer of the National Intelligence Authority who shall be ap-
20 pointed by the National Intelligence Director.

21 (b) DUTIES.—The Chief Human Capital Officer of the
22 National Intelligence Authority shall—

23 (1) have the functions and authorities provided for
24 Chief Human Capital Officers under sections 1401 and
25 1402 of title 5, United States Code, with respect to the Na-
26 tional Intelligence Authority; and

27 (2) advise and assist the National Intelligence Director
28 in exercising the authorities and responsibilities of the Di-
29 rector with respect to the workforce of the intelligence com-
30 munity as a whole.

31 **SEC. 130. CHIEF FINANCIAL OFFICER OF THE NATIONAL**
32 **INTELLIGENCE AUTHORITY.**

33 (a) CHIEF FINANCIAL OFFICER OF NATIONAL INTEL-
34 LIGENCE AUTHORITY.—There is a Chief Financial Officer of
35 the National Intelligence Authority who shall be designated by
36 the President, in consultation with the National Intelligence Di-
37 rector.

1 (b) DESIGNATION REQUIREMENTS.—The designation of
2 an individual as Chief Financial Officer of the National Intel-
3 ligence Authority shall be subject to applicable provisions of
4 section 901(a) of title 31, United States Code.

5 (c) AUTHORITIES AND FUNCTIONS.—The Chief Financial
6 Officer of the National Intelligence Authority shall have such
7 authorities, and carry out such functions, with respect to the
8 National Intelligence Authority as are provided for an agency
9 Chief Financial Officer by section 902 of title 31, United
10 States Code, and other applicable provisions of law.

11 (d) COORDINATION WITH NIA COMPTROLLER.—(1) The
12 Chief Financial Officer of the National Intelligence Authority
13 shall coordinate with the Comptroller of the National Intel-
14 ligence Authority in exercising the authorities and performing
15 the functions provided for the Chief Financial Officer under
16 this section.

17 (2) The National Intelligence Director shall take such ac-
18 tions as are necessary to prevent duplication of effort by the
19 Chief Financial Officer of the National Intelligence Authority
20 and the Comptroller of the National Intelligence Authority.

21 (e) INTEGRATION OF FINANCIAL SYSTEMS.—Subject to
22 the supervision, direction, and control of the National Intel-
23 ligence Director, the Chief Financial Officer of the National In-
24 telligence Authority shall take appropriate actions to ensure the
25 timely and effective integration of the financial systems of the
26 National Intelligence Authority (including any elements or com-
27 ponents transferred to the Authority by this Act), and of the
28 financial systems of the Authority with applicable portions of
29 the financial systems of the other elements of the intelligence
30 community, as soon as possible after the date of the enactment
31 of this Act.

32 (f) PROTECTION OF ANNUAL FINANCIAL STATEMENT
33 FROM DISCLOSURE.—The annual financial statement of the
34 National Intelligence Authority required under section 3515 of
35 title 31, United States Code—

36 (1) shall be submitted in classified form; and

1 (2) notwithstanding any other provision of law, shall
2 be withheld from public disclosure.

3 **SEC. 131. NATIONAL COUNTERINTELLIGENCE EXECU-**
4 **TIVE.**

5 (a) NATIONAL COUNTERINTELLIGENCE EXECUTIVE.—The
6 National Counterintelligence Executive under section 902 of
7 the Counterintelligence Enhancement Act of 2002 (title IX of
8 Public Law 107–306; 50 U.S.C. 402b et seq.), as amended by
9 section 309 of this Act, is a component of the Office of the Na-
10 tional Intelligence Director.

11 (b) DUTIES.—The National Counterintelligence Executive
12 shall perform the duties provided in the Counterintelligence
13 Enhancement Act of 2002, as so amended, and such other du-
14 ties as may be prescribed by the National Intelligence Director
15 or specified by law.

16 **Subtitle D—Additional Elements of**
17 **National Intelligence Authority**

18 **SEC. 141. INSPECTOR GENERAL OF THE NATIONAL IN-**
19 **TELLIGENCE AUTHORITY.**

20 (a) OFFICE OF INSPECTOR GENERAL OF NATIONAL IN-
21 TELLIGENCE AUTHORITY.—There is within the National Intel-
22 ligence Authority an Office of the Inspector General of the Na-
23 tional Intelligence Authority.

24 (b) PURPOSE.—The purpose of the Office of the Inspector
25 General of the National Intelligence Authority is to—

26 (1) create an objective and effective office, appro-
27 priately accountable to Congress, to initiate and conduct
28 independently investigations, inspections, and audits relat-
29 ing to—

30 (A) the programs and operations of the National
31 Intelligence Authority;

32 (B) the relationships among the elements of the
33 intelligence community within the National Intelligence
34 Program; and

35 (C) the relationships between the elements of the
36 intelligence community within the National Intelligence

1 Program and the other elements of the intelligence
2 community;

3 (2) recommend policies designed—

4 (A) to promote economy, efficiency, and effective-
5 ness in the administration of such programs and oper-
6 ations, and in such relationships; and

7 (B) to prevent and detect fraud and abuse in such
8 programs, operations, and relationships;

9 (3) provide a means for keeping the National Intel-
10 ligence Director fully and currently informed about—

11 (A) problems and deficiencies relating to the ad-
12 ministration of such programs and operations, and to
13 such relationships; and

14 (C) the necessity for, and the progress of, correc-
15 tive actions; and

16 (4) in the manner prescribed by this section, ensure
17 that the congressional intelligence committees are kept
18 similarly informed of—

19 (A) significant problems and deficiencies relating
20 to the administration of such programs and operations,
21 and to such relationships; and

22 (B) the necessity for, and the progress of, correc-
23 tive actions.

24 (c) INSPECTOR GENERAL OF NATIONAL INTELLIGENCE
25 AUTHORITY.—(1) There is an Inspector General of the Na-
26 tional Intelligence Authority, who shall be the head of the Of-
27 fice of the Inspector General of the National Intelligence Au-
28 thority, who shall be appointed by the President, by and with
29 the advice and consent of the Senate.

30 (2) The nomination of an individual for appointment as
31 Inspector General shall be made—

32 (A) without regard to political affiliation;

33 (B) solely on the basis of integrity, compliance with
34 the security standards of the National Intelligence Author-
35 ity, and prior experience in the field of intelligence or na-
36 tional security; and

1 (C) on the basis of demonstrated ability in accounting,
2 financial analysis, law, management analysis, public admin-
3 istration, or auditing.

4 (3) The Inspector General shall report directly to and be
5 under the general supervision of the National Intelligence Di-
6 rector.

7 (4) The Inspector General may be removed from office
8 only by the President. The President shall immediately commu-
9 nicate in writing to the congressional intelligence committees
10 the reasons for the removal of any individual from the position
11 of Inspector General.

12 (d) DUTIES AND RESPONSIBILITIES.—It shall be the duty
13 and responsibility of the Inspector General of the National In-
14 telligence Authority—

15 (1) to provide policy direction for, and to plan, con-
16 duct, supervise, and coordinate independently, the inves-
17 tigation, inspections, and audits relating to the programs
18 and operations of the National Intelligence Authority, the
19 relationships among the elements of the intelligence com-
20 munity within the National Intelligence Program, and the
21 relationships between the elements of the intelligence com-
22 munity within the National Intelligence Program and the
23 other elements of the intelligence community to ensure they
24 are conducted efficiently and in accordance with applicable
25 law and regulations;

26 (2) to keep the National Intelligence Director fully and
27 currently informed concerning violations of law and regula-
28 tions, violations of civil liberties and privacy, and fraud and
29 other serious problems, abuses, and deficiencies that may
30 occur in such programs and operations, and in such rela-
31 tionships, and to report the progress made in implementing
32 corrective action;

33 (3) to take due regard for the protection of intelligence
34 sources and methods in the preparation of all reports
35 issued by the Inspector General, and, to the extent con-
36 sistent with the purpose and objective of such reports, take
37 such measures as may be appropriate to minimize the dis-

1 closure of intelligence sources and methods described in
2 such reports; and

3 (4) in the execution of the duties and responsibilities
4 under this section, to comply with generally accepted gov-
5 ernment auditing standards.

6 (e) LIMITATIONS ON ACTIVITIES.—(1) The National Intel-
7 ligence Director may prohibit the Inspector General of the Na-
8 tional Intelligence Authority from initiating, carrying out, or
9 completing any investigation, inspection, or audit if the Direc-
10 tor determines that such prohibition is necessary to protect
11 vital national security interests of the United States.

12 (2) If the Director exercises the authority under para-
13 graph (1), the Director shall submit an appropriately classified
14 statement of the reasons for the exercise of such authority
15 within seven days to the congressional intelligence committees.

16 (3) The Director shall advise the Inspector General at the
17 time a report under paragraph (1) is submitted, and, to the ex-
18 tent consistent with the protection of intelligence sources and
19 methods, provide the Inspector General with a copy of such re-
20 port.

21 (4) The Inspector General may submit to the congres-
22 sional intelligence committees any comments on a report of
23 which the Inspector General has notice under paragraph (3)
24 that the Inspector General considers appropriate.

25 (f) AUTHORITIES.—(1) The Inspector General of the Na-
26 tional Intelligence Authority shall have direct and prompt ac-
27 cess to the National Intelligence Director when necessary for
28 any purpose pertaining to the performance of the duties of the
29 Inspector General.

30 (2)(A) The Inspector General shall have access to any em-
31 ployee, or any employee of a contractor, of the National Intel-
32 ligence Authority, and of any other element of the intelligence
33 community within the National Intelligence Program, whose
34 testimony is needed for the performance of the duties of the
35 Inspector General.

36 (B) The Inspector General shall have direct access to all
37 records, reports, audits, reviews, documents, papers, rec-

1 commendations, or other material which relate to the programs
2 and operations with respect to which the Inspector General has
3 responsibilities under this section.

4 (C) The level of classification or compartmentation of in-
5 formation shall not, in and of itself, provide a sufficient ration-
6 ale for denying the Inspector General access to any materials
7 under subparagraph (B).

8 (D) Failure on the part of any employee or contractor of
9 the National Intelligence Authority to cooperate with the In-
10 spector General shall be grounds for appropriate administrative
11 actions by the Director, including loss of employment or the
12 termination of an existing contractual relationship.

13 (3) The Inspector General is authorized to receive and in-
14 vestigate complaints or information from any person concerning
15 the existence of an activity constituting a violation of laws,
16 rules, or regulations, or mismanagement, gross waste of funds,
17 abuse of authority, or a substantial and specific danger to the
18 public health and safety. Once such complaint or information
19 has been received from an employee of the Federal
20 government—

21 (A) the Inspector General shall not disclose the iden-
22 tity of the employee without the consent of the employee,
23 unless the Inspector General determines that such disclo-
24 sure is unavoidable during the course of the investigation
25 or the disclosure is made to an official of the Department
26 of Justice responsible for determining whether a prosecu-
27 tion should be undertaken; and

28 (B) no action constituting a reprisal, or threat of re-
29 prisal, for making such complaint may be taken by any em-
30 ployee in a position to take such actions, unless the com-
31 plaint was made or the information was disclosed with the
32 knowledge that it was false or with willful disregard for its
33 truth or falsity.

34 (4) The Inspector General shall have authority to admin-
35 ister to or take from any person an oath, affirmation, or affi-
36 davit, whenever necessary in the performance of the duties of
37 the Inspector General, which oath, affirmation, or affidavit

1 when administered or taken by or before an employee of the
2 Office of the Inspector General of the National Intelligence Au-
3 thority designated by the Inspector General shall have the same
4 force and effect as if administered or taken by or before an of-
5 ficer having a seal.

6 (5)(A) Except as provided in subparagraph (B), the In-
7 spector General is authorized to require by subpoena the pro-
8 duction of all information, documents, reports, answers,
9 records, accounts, papers, and other data and documentary evi-
10 dence necessary in the performance of the duties and respon-
11 sibilities of the Inspector General.

12 (B) In the case of departments, agencies, and other ele-
13 ments of the United States Government, the Inspector General
14 shall obtain information, documents, reports, answers, records,
15 accounts, papers, and other data and evidence for the purpose
16 specified in subparagraph (A) using procedures other than by
17 subpoenas.

18 (C) The Inspector General may not issue a subpoena for
19 or on behalf of any other element or component of the Author-
20 ity.

21 (D) In the case of contumacy or refusal to obey a sub-
22 poena issued under this paragraph, the subpoena shall be en-
23 forceable by order of any appropriate district court of the
24 United States.

25 (g) STAFF AND OTHER SUPPORT.—(1) The Inspector
26 General of the National Intelligence Authority shall be provided
27 with appropriate and adequate office space at central and field
28 office locations, together with such equipment, office supplies,
29 maintenance services, and communications facilities and serv-
30 ices as may be necessary for the operation of such offices.

31 (2)(A) Subject to applicable law and the policies of the
32 National Intelligence Director, the Inspector General shall se-
33 lect, appoint and employ such officers and employees as may
34 be necessary to carry out the functions of the Inspector Gen-
35 eral.

36 (B) In making selections under subparagraph (A), the In-
37 spector General shall ensure that such officers and employees

1 have the requisite training and experience to enable the Inspec-
2 tor General to carry out the duties of the Inspector General ef-
3 fectively.

4 (C) In meeting the requirements of this paragraph, the In-
5 spector General shall create within the Office of the Inspector
6 General of the National Intelligence Authority a career cadre
7 of sufficient size to provide appropriate continuity and objec-
8 tivity needed for the effective performance of the duties of the
9 Inspector General.

10 (3)(A) Subject to the concurrence of the Director, the In-
11 spector General may request such information or assistance as
12 may be necessary for carrying out the duties and responsibil-
13 ities of the Inspector General from any department, agency, or
14 other element of the United States Government.

15 (B) Upon request of the Inspector General for information
16 or assistance under subparagraph (A), the head of the depart-
17 ment, agency, or element concerned shall, insofar as is prac-
18 ticable and not in contravention of any existing statutory re-
19 striction or regulation of the department, agency, or element,
20 furnish to the Inspector General, or to an authorized designee,
21 such information or assistance.

22 (h) REPORTS.—(1)(A) The Inspector General of the Na-
23 tional Intelligence Authority shall, not later than January 31
24 and July 31 of each year, prepare and submit to the National
25 Intelligence Director a classified semiannual report summa-
26 rizing the activities of the Office of the Inspector General of
27 the National Intelligence Authority during the immediately pre-
28 ceding six-month periods ending December 31 (of the preceding
29 year) and June 30, respectively.

30 (B) Each report under this paragraph shall include, at a
31 minimum, the following:

32 (i) A list of the title or subject of each investigation,
33 inspection, or audit conducted during the period covered by
34 such report.

35 (ii) A description of significant problems, abuses, and
36 deficiencies relating to the administration of programs and
37 operations of the National Intelligence Authority identified

1 by the Inspector General during the period covered by such
2 report.

3 (iii) A description of the recommendations for correc-
4 tive action made by the Inspector General during the pe-
5 riod covered by such report with respect to significant prob-
6 lems, abuses, or deficiencies identified in clause (ii).

7 (iv) A statement whether or not corrective action has
8 been completed on each significant recommendation de-
9 scribed in previous semiannual reports, and, in a case
10 where corrective action has been completed, a description of
11 such corrective action.

12 (v) An assessment of the effectiveness of all measures
13 in place in the Authority for the protection of civil liberties
14 and privacy of United States persons.

15 (vi) A certification whether or not the Inspector Gen-
16 eral has had full and direct access to all information rel-
17 evant to the performance of the functions of the Inspector
18 General.

19 (vii) A description of the exercise of the subpoena au-
20 thority under subsection (f)(5) by the Inspector General
21 during the period covered by such report.

22 (viii) Such recommendations as the Inspector General
23 considers appropriate for legislation to promote economy
24 and efficiency in the administration of programs and oper-
25 ations undertaken by the Authority, and to detect and
26 eliminate fraud and abuse in such programs and oper-
27 ations.

28 (C) Not later than the 30 days after the date of receipt
29 of a report under subparagraph (A), the Director shall transmit
30 the report to the congressional intelligence committees together
31 with any comments the Director considers appropriate.

32 (2)(A) The Inspector General shall report immediately to
33 the Director whenever the Inspector General becomes aware of
34 particularly serious or flagrant problems, abuses, or deficiencies
35 relating to the administration of programs or operations of the
36 Authority, a relationship between the elements of the intel-
37 ligence community within the National Intelligence Program, or

1 a relationship between an element of the intelligence commu-
2 nity within the National Intelligence Program and another ele-
3 ment of the intelligence community.

4 (B) The Director shall transmit to the congressional intel-
5 ligence committees each report under subparagraph (A) within
6 seven calendar days of receipt of such report, together with
7 such comments as the Director considers appropriate.

8 (3) In the event that—

9 (A) the Inspector General is unable to resolve any dif-
10 ferences with the Director affecting the execution of the
11 duties or responsibilities of the Inspector General;

12 (B) an investigation, inspection, or audit carried out
13 by the Inspector General should focus on any current or
14 former Authority official who holds or held a position in the
15 Authority that is subject to appointment by the President,
16 by and with the advice and consent of the Senate, including
17 such a position held on an acting basis;

18 (C) a matter requires a report by the Inspector Gen-
19 eral to the Department of Justice on possible criminal con-
20 duct by a current or former official described in subpara-
21 graph (B);

22 (D) the Inspector General receives notice from the De-
23 partment of Justice declining or approving prosecution of
24 possible criminal conduct of any current or former official
25 described in subparagraph (B); or

26 (E) the Inspector General, after exhausting all possible
27 alternatives, is unable to obtain significant documentary in-
28 formation in the course of an investigation, inspection, or
29 audit,

30 the Inspector General shall immediately notify and submit a re-
31 port on such matter to the congressional intelligence commit-
32 tees.

33 (4) Pursuant to title V of the National Security Act of
34 1947 (50 U.S.C. 413 et seq.), the Director shall submit to the
35 congressional intelligence committees any report or findings
36 and recommendations of an investigation, inspection, or audit

1 conducted by the office which has been requested by the Chair-
2 man or Ranking Minority Member of either committee.

3 (5)(A) An employee of the Authority, an employee of an
4 entity other than the Authority who is assigned or detailed to
5 the Authority, or an employee of a contractor to the Authority
6 who intends to report to Congress a complaint or information
7 with respect to an urgent concern may report such complaint
8 or information to the Inspector General.

9 (B) Not later than the end of the 14-calendar day period
10 beginning on the date of receipt from an employee of a com-
11 plaint or information under subparagraph (A), the Inspector
12 General shall determine whether the complaint or information
13 appears credible. Upon making such a determination, the In-
14 spector General shall transmit to the Director a notice of that
15 determination, together with the complaint or information.

16 (C) Upon receipt of a transmittal from the Inspector Gen-
17 eral under subparagraph (B), the Director shall, within seven
18 calendar days of such receipt, forward such transmittal to the
19 congressional intelligence committees, together with any com-
20 ments the Director considers appropriate.

21 (D)(i) If the Inspector General does not find credible
22 under subparagraph (B) a complaint or information submitted
23 under subparagraph (A), or does not transmit the complaint or
24 information to the Director in accurate form under subpara-
25 graph (B), the employee (subject to clause (ii)) may submit the
26 complaint or information to Congress by contacting either or
27 both of the congressional intelligence committees directly.

28 (ii) An employee may contact the intelligence committees
29 directly as described in clause (i) only if the employee—

30 (I) before making such a contact, furnishes to the Di-
31 rector, through the Inspector General, a statement of the
32 employee's complaint or information and notice of the em-
33 ployee's intent to contact the congressional intelligence
34 committees directly; and

35 (II) obtains and follows from the Director, through the
36 Inspector General, direction on how to contact the intel-

1 ligence committees in accordance with appropriate security
2 practices.

3 (iii) A member or employee of one of the congressional in-
4 telligence committees who receives a complaint or information
5 under clause (i) does so in that member or employee's official
6 capacity as a member or employee of such committee.

7 (E) The Inspector General shall notify an employee who
8 reports a complaint or information to the Inspector General
9 under this paragraph of each action taken under this para-
10 graph with respect to the complaint or information. Such notice
11 shall be provided not later than three days after any such ac-
12 tion is taken.

13 (F) An action taken by the Director or the Inspector Gen-
14 eral under this paragraph shall not be subject to judicial re-
15 view.

16 (G) In this paragraph, the term "urgent concern" means
17 any of the following:

18 (i) A serious or flagrant problem, abuse, violation of
19 law or Executive order, or deficiency relating to the fund-
20 ing, administration, or operations of an intelligence activity
21 involving classified information, but does not include dif-
22 ferences of opinions concerning public policy matters.

23 (ii) A false statement to Congress, or a willful with-
24 holding from Congress, on an issue of material fact relating
25 to the funding, administration, or operation of an intel-
26 ligence activity.

27 (iii) An action, including a personnel action described
28 in section 2302(a)(2)(A) of title 5, United States Code,
29 constituting reprisal or threat of reprisal prohibited under
30 subsection (f)(3)(B) of this section in response to an em-
31 ployee's reporting an urgent concern in accordance with
32 this paragraph.

33 (H) In support of this paragraph, Congress makes the
34 findings set forth in paragraphs (1) through (6) of section
35 701(b) of the Intelligence Community Whistleblower Protection
36 Act of 1998 (title VII of Public Law 105-272; 5 U.S.C. App.
37 8H note).

(6) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involve a program or operation of the Authority, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

(i) SEPARATE BUDGET ACCOUNT.—The National Intelligence Director shall, in accordance with procedures to be issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of Inspector General of the National Intelligence Authority.

SEC. 142. OMBUDSMAN OF THE NATIONAL INTELLIGENCE AUTHORITY.

(a) OMBUDSMAN OF NATIONAL INTELLIGENCE AUTHORITY.—There is within the National Intelligence Authority an Ombudsman of the National Intelligence Authority who shall be appointed by the National Intelligence Director.

(b) DUTIES.—The Ombudsman of the National Intelligence Authority shall—

(1) counsel, arbitrate, or offer recommendations on, and have the authority to initiate inquiries into, real or perceived problems of politicization, biased reporting, or lack of objective analysis within the National Intelligence Authority, or any element of the intelligence community within the National Intelligence Program, or regarding any analysis of national intelligence by any element of the intelligence community;

(2) monitor the effectiveness of measures taken to deal with real or perceived politicization, biased reporting, or lack of objective analysis within the Authority, or any element of the intelligence community within the National Intelligence Program, or regarding any analysis of national intelligence by any element of the intelligence community; and

1 (3) conduct reviews of the analytic product or products
2 of the Authority, or any element of the intelligence commu-
3 nity within the National Intelligence Program, or of any
4 analysis of national intelligence by any element of the intel-
5 ligence community, with such reviews to be conducted so as
6 to ensure that analysis is timely, objective, independent of
7 political considerations, and based upon all sources avail-
8 able to the intelligence community.

9 (c) ANALYTIC REVIEW UNIT.—(1) There is within the Of-
10 fice of the Ombudsman of the National Intelligence Authority
11 an Analytic Review Unit.

12 (2) The Analytic Review Unit shall assist the Ombudsman
13 of the National Intelligence Authority in performing the duties
14 and responsibilities of the Ombudsman set forth in subsection
15 (b)(3).

16 (3) The Ombudsman shall provide the Analytic Review
17 Unit a staff who possess expertise in intelligence analysis that
18 is appropriate for the function of the Unit.

19 (4) In assisting the Ombudsman, the Analytic Review Unit
20 shall, subject to the direction and control of the Ombudsman,
21 conduct detailed evaluations of intelligence analysis by the fol-
22 lowing:

23 (A) The National Intelligence Council.

24 (B) The elements of the intelligence community within
25 the National Intelligence Program.

26 (C) To the extent involving the analysis of national in-
27 telligence, other elements of the intelligence community.

28 (D) The divisions, offices, programs, officers, and em-
29 ployees of the elements specified in subparagraphs (B) and
30 (C).

31 (5) The results of the evaluations under paragraph (4)
32 shall be provided to the congressional intelligence committees
33 and, upon request, to appropriate heads of other departments,
34 agencies, and elements of the executive branch.

35 (d) ACCESS TO INFORMATION.—In order to carry out the
36 duties specified in subsection (c), the Ombudsman of the Na-
37 tional Intelligence Authority shall, unless otherwise directed by

1 the President, have access to all analytic products, field re-
2 ports, and raw intelligence of any element of the intelligence
3 community, and to any reports or other material of an Inspec-
4 tor General, that might be pertinent to a matter under consid-
5 eration by the Ombudsman.

6 (e) ANNUAL REPORTS.—The Ombudsman of the National
7 Intelligence Authority shall submit to the National Intelligence
8 Director and the congressional intelligence committees on an
9 annual basis a report that includes—

10 (1) the assessment of the Ombudsman of the current
11 level of politicization, biased reporting, or lack of objective
12 analysis within the National Intelligence Authority, or any
13 element of the intelligence community within the National
14 Intelligence Program, or regarding any analysis of national
15 intelligence by any element of the intelligence community;

16 (2) such recommendations for remedial measures as
17 the Ombudsman considers appropriate; and

18 (3) an assessment of the effectiveness of remedial
19 measures previously taken within the intelligence commu-
20 nity on matters addressed by the Ombudsman.

21 (f) REFERRAL OF CERTAIN MATTERS FOR INVESTIGA-
22 TION.—In addition to carrying out activities under this section,
23 the Ombudsman of the National Intelligence Authority may
24 refer serious cases of misconduct related to politicization of in-
25 telligence information, biased reporting, or lack of objective
26 analysis within the intelligence community to the Inspector
27 General of the National Intelligence Authority for investigation.

28 **SEC. 143. NATIONAL COUNTERTERRORISM CENTER.**

29 (a) NATIONAL COUNTERTERRORISM CENTER.—There is
30 within the National Intelligence Authority a National
31 Counterterrorism Center.

32 (b) DIRECTOR OF NATIONAL COUNTERTERRORISM CEN-
33 TER.—(1) There is a Director of the National Counterterrorism
34 Center, who shall be the head of the National Counterterrorism
35 Center, and who shall be appointed by the President, by and
36 with the advice and consent of the Senate.

1 (2) Any individual nominated for appointment as the Di-
2 rector of the National Counterterrorism Center shall have sig-
3 nificant expertise in matters relating to the national security of
4 the United States and matters relating to terrorism that
5 threatens the national security of the United States.

6 (3) The individual serving as the Director of the National
7 Counterterrorism Center may not, while so serving, serve in
8 any capacity in any other element of the intelligence commu-
9 nity, except to the extent that the individual serving as Director
10 of the National Counterterrorism Center is doing so in an act-
11 ing capacity.

12 (c) SUPERVISION.—(1) The Director of the National
13 Counterterrorism Center shall report to the National Intel-
14 ligence Director on—

15 (A) the budget and programs of the National
16 Counterterrorism Center; and

17 (B) the activities of the Directorate of Intelligence of
18 the National Counterterrorism Center under subsection (g).

19 (2) The Director of the National Counterterrorism Center
20 shall report to the President and the National Intelligence Di-
21 rector on the planning and progress of joint counterterrorism
22 operations.

23 (d) PRIMARY MISSIONS.—The primary missions of the Na-
24 tional Counterterrorism Center shall be as follows:

25 (1) To develop and unify strategy for the civilian and
26 military counterterrorism efforts of the United States Gov-
27 ernment.

28 (2) To integrate counterterrorism intelligence activities
29 of the United States Government, both inside and outside
30 the United States.

31 (3) To develop interagency counterterrorism plans,
32 which plans shall—

33 (A) involve more than one department, agency, or
34 element of the executive branch (unless otherwise di-
35 rected by the President); and

36 (B) include the mission, objectives to be achieved,
37 courses of action, parameters for such courses of ac-

1 tion, coordination of agency operational activities, rec-
2 ommendations for operational plans, and assignment of
3 departmental or agency responsibilities.

4 (4) To ensure that the collection of counterterrorism
5 intelligence, and the conduct of counterterrorism oper-
6 ations, by the United States Government are informed by
7 the analysis of all-source intelligence.

8 (e) DUTIES AND RESPONSIBILITIES OF DIRECTOR OF NA-
9 TIONAL COUNTERTERRORISM CENTER.—Notwithstanding any
10 other provision of law, at the direction of the President, the
11 National Security Council, and the National Intelligence Direc-
12 tor, the Director of the National Counterterrorism Center
13 shall—

14 (1) serve as the principal adviser to the President and
15 the National Intelligence Director on joint operations relat-
16 ing to counterterrorism;

17 (2) provide unified strategic direction for the civilian
18 and military counterterrorism efforts of the United States
19 Government and for the effective integration and
20 deconfliction of counterterrorism intelligence and operations
21 across agency boundaries, both inside and outside the
22 United States;

23 (3) advise the President and the National Intelligence
24 Director on the extent to which the counterterrorism pro-
25 gram recommendations and budget proposals of the depart-
26 ments, agencies, and elements of the United States Govern-
27 ment conform to the priorities established by the President
28 and the National Security Council;

29 (4) in accordance with subsection (f), concur in, or ad-
30 vise the President on, the selections of personnel to head
31 the operating entities of the United States Government
32 with principal missions relating to counterterrorism; and

33 (5) perform such other duties as the National Intel-
34 ligence Director may prescribe or are prescribed by law.

35 (f) ROLE OF DIRECTOR OF NATIONAL
36 COUNTERTERRORISM CENTER IN CERTAIN APPOINTMENTS.—

37 (1) In the event of a vacancy in a position referred to in para-

1 graph (2), the head of the department or agency having juris-
2 diction over the position shall obtain the concurrence of the Di-
3 rector of the National Counterterrorism Center before appoint-
4 ing an individual to fill the vacancy or recommending to the
5 President an individual for nomination to fill the vacancy. If
6 the Director does not concur in the recommendation, the head
7 of the department or agency concerned may fill the vacancy or
8 make the recommendation to the President (as the case may
9 be) without the concurrence of the Director, but shall notify the
10 President that the Director does not concur in the appointment
11 or recommendation (as the case may be).

12 (2) Paragraph (1) applies to the following positions:

13 (A) The Director of the Central Intelligence Agency's
14 Counterterrorist Center.

15 (B) The Assistant Director of the Federal Bureau of
16 Investigation in charge of the Counterterrorism Division.

17 (C) The Coordinator for Counterterrorism of the De-
18 partment of State.

19 (D) The head of such other operating entities of the
20 United States Government having principal missions relat-
21 ing to counterterrorism as the President may designate for
22 purposes of this subsection.

23 (3) The President shall notify Congress of the designation
24 of an operating entity of the United States Government under
25 paragraph (2)*D) not later than 30 days after the date of such
26 designation.

27 (g) DIRECTORATE OF INTELLIGENCE.—(1) The Director
28 of the National Counterterrorism Center shall establish and
29 maintain within the National Counterterrorism Center a Direc-
30 torate of Intelligence.

31 (2) The Directorate shall utilize the capabilities of the
32 Terrorist Threat Integration Center (TTIC) transferred to the
33 Directorate by section 323 and such other capabilities as the
34 Director of the National Counterterrorism Center considers ap-
35 propriate.

36 (3) The Directorate shall have primary responsibility with-
37 in the United States Government for analysis of terrorism and

1 terrorist organizations from all sources of intelligence, whether
2 collected inside or outside the United States.

3 (4) The Directorate shall—

4 (A) be the principal repository within the United
5 States Government for all-source information on suspected
6 terrorists, their organizations, and their capabilities;

7 (B) propose intelligence collection requirements for ac-
8 tion by elements of the intelligence community inside and
9 outside the United States;

10 (C) have primary responsibility within the United
11 States Government for net assessments and warnings about
12 terrorist threats, which assessments and warnings shall be
13 based on a comparison of terrorist intentions and capabili-
14 ties with assessed national vulnerabilities and counter-
15 measures; and

16 (D) perform such other duties and functions as the
17 Director of the National Counterterrorism Center may pre-
18 scribe.

19 (h) DIRECTORATE OF PLANNING.—(1) The Director of the
20 National Counterterrorism Center shall establish and maintain
21 within the National Counterterrorism Center a Directorate of
22 Planning.

23 (2) The Directorate shall have primary responsibility for
24 developing interagency counterterrorism plans, as described in
25 subsection (d)(3).

26 (3) The Directorate shall—

27 (A) provide guidance, and develop strategy and inter-
28 agency plans, to counter terrorist activities based on policy
29 objectives and priorities established by the National Secu-
30 rity Council;

31 (B) develop interagency plans under subparagraph (A)
32 utilizing input from personnel in other departments, agen-
33 cies, and elements of the United States Government who
34 have expertise in the priorities, functions, assets, programs,
35 capabilities, and operations of such departments, agencies,
36 and elements with respect to counterterrorism;

1 (C) assign responsibilities for counterterrorism oper-
2 ations to the departments and agencies of the United
3 States Government (including the Department of Defense,
4 the Central Intelligence Agency, the Federal Bureau of In-
5 vestigation, the Department of Homeland Security, and
6 other departments and agencies of the United States Gov-
7 ernment), consistent with the authorities of such depart-
8 ments and agencies;

9 (D) monitor the implementation of operations assigned
10 under subparagraph (C) and update interagency plans for
11 such operations as necessary;

12 (E) report to the President and the National Intel-
13 ligence Director on the compliance of the departments,
14 agencies, and elements of the United States with the plans
15 developed under subparagraph (A); and

16 (F) perform such other duties and functions as the Di-
17 rector of the National Counterterrorism Center may pre-
18 scribe.

19 (4) The Directorate may not direct the execution of oper-
20 ations assigned under paragraph (3).

21 (i) STAFF.—(1) The National Intelligence Director may
22 appoint deputy directors of the National Counterterrorism Cen-
23 ter to oversee such portions of the operations of the Center as
24 the National Intelligence Director considers appropriate.

25 (2) To assist the Director of the National
26 Counterterrorism Center in fulfilling the duties and responsibil-
27 ities of the Director of the National Counterterrorism Center
28 under this section, the National Intelligence Director shall em-
29 ploy in the National Counterterrorism Center a professional
30 staff having an expertise in matters relating to such duties and
31 responsibilities.

32 (3) In providing for a professional staff for the National
33 Counterterrorism Center under paragraph (2), the National In-
34 telligence Director may establish as positions in the excepted
35 service such positions in the Center as the National Intelligence
36 Director considers appropriate.

1 (4) The National Intelligence Director shall ensure that
2 the analytical staff of the National Counterterrorism Center is
3 comprised primarily of experts from elements in the intelligence
4 community and from such other personnel in the United States
5 Government as the National Intelligence Director considers ap-
6 propriate.

7 (5)(A) In order to meet the requirements in paragraph
8 (4), the National Intelligence Director shall, from time to
9 time—

10 (i) specify the transfers, assignments, and details of
11 personnel funded within the National Intelligence Program
12 to the National Counterterrorism Center from any other
13 element of the intelligence community that the National In-
14 telligence Director considers appropriate; and

15 (ii) in the case of personnel from a department, agen-
16 cy, or element of the United States Government and not
17 funded within the National Intelligence Program, request
18 the transfer, assignment, or detail of such personnel from
19 the department, agency, or other element concerned.

20 (B)(i) The head of an element of the intelligence commu-
21 nity shall promptly effect any transfer, assignment, or detail of
22 personnel specified by the National Intelligence Director under
23 subparagraph (A)(i).

24 (ii) The head of a department, agency, or element of the
25 United States Government receiving a request for transfer, as-
26 signment, or detail of personnel under subparagraph (A)(ii)
27 shall, to the extent practicable, approve the request.

28 (6) Personnel employed in or assigned or detailed to the
29 National Counterterrorism Center under this subsection shall
30 be under the authority, direction, and control of the Director
31 of the National Counterterrorism Center on all matters for
32 which the Center has been assigned responsibility and for all
33 matters related to the accomplishment of the missions of the
34 Center.

35 (7) Performance evaluations of personnel assigned or de-
36 tailed to the National Counterterrorism Center under this sub-

1 section shall be undertaken by the supervisors of such per-
2 sonnel at the Center.

3 (8) The supervisors of the staff of the National
4 Counterterrorism Center may, with the approval of the Na-
5 tional Intelligence Director, reward the staff of the Center for
6 meritorious performance by the provision of such performance
7 awards as the National Intelligence Director shall prescribe.

8 (9) The National Intelligence Director may delegate to the
9 Director of the National Counterterrorism Center any responsi-
10 bility, power, or authority of the National Intelligence Director
11 under paragraphs (1) through (8).

12 (10) The National Intelligence Director shall ensure that
13 the staff of the National Counterterrorism Center has access to
14 all databases maintained by the elements of the intelligence
15 community that are relevant to the duties of the Center.

16 (j) SUPPORT AND COOPERATION OF OTHER AGENCIES.—

17 (1) The elements of the intelligence community and the other
18 departments, agencies, and elements of the United States Gov-
19 ernment shall support, assist, and cooperate with the National
20 Counterterrorism Center in carrying out its missions under this
21 section.

22 (2) The support, assistance, and cooperation of a depart-
23 ment, agency, or element of the United States Government
24 under this subsection shall include, but not be limited to—

25 (A) the implementation of interagency plans for oper-
26 ations, whether foreign or domestic, that are developed by
27 the National Counterterrorism Center in a manner con-
28 sistent with the laws and regulations of the United States
29 and consistent with the limitation in subsection (h)(4);

30 (B) cooperative work with the Director of the National
31 Counterterrorism Center to ensure that ongoing operations
32 of such department, agency, or element do not conflict with
33 joint operations planned by the Center;

34 (C) reports, upon request, to the Director of the Na-
35 tional Counterterrorism Center on the progress of such de-
36 partment, agency, or element in implementing responsibil-

1 ities assigned to such department, agency, or element
2 through joint operations plans; and

3 (D) the provision to the analysts of the National
4 Counterterrorism Center electronic access in real time to
5 information and intelligence collected by such department,
6 agency, or element that is relevant to the missions of the
7 Center.

8 (3) In the event of a disagreement between the National
9 Intelligence Director and the head of a department, agency, or
10 element of the United States Government on a plan developed
11 or responsibility assigned by the National Counterterrorism
12 Center under this subsection, the National Intelligence Director
13 may either accede to the head of the department, agency, or
14 element concerned or notify the President of the necessity of
15 resolving the disagreement.

16 **SEC. 144. NATIONAL INTELLIGENCE CENTERS.**

17 (a) NATIONAL INTELLIGENCE CENTERS.—(1) The Na-
18 tional Intelligence Director may establish within the National
19 Intelligence Authority one or more centers (to be known as
20 “national intelligence centers”) to address intelligence priorities
21 established by the National Security Council.

22 (2) Each national intelligence center established under this
23 section shall be assigned an area of intelligence responsibility.

24 (3) National intelligence centers shall be established at the
25 direction of the President, as prescribed by law, or upon the
26 initiative of the National Intelligence Director.

27 (b) ESTABLISHMENT OF CENTERS.—(1) In establishing a
28 national intelligence center, the National Intelligence Director
29 shall assign lead responsibility for administrative support for
30 such center to an element of the intelligence community se-
31 lected by the Director for that purpose.

32 (2) The Director shall determine the structure and size of
33 each national intelligence center.

34 (3) The Director shall notify Congress of the establish-
35 ment of each national intelligence center before the date of the
36 establishment of such center.

1 (c) DIRECTORS OF CENTERS.—(1) Each national intel-
2 ligence center shall have as its head a Director who shall be
3 appointed by the National Intelligence Director for that pur-
4 pose.

5 (2) The Director of a national intelligence center shall
6 serve as the principal adviser to the National Intelligence Di-
7 rector on intelligence matters with respect to the area of intel-
8 ligence responsibility assigned to the center.

9 (3) In carrying out duties under paragraph (2), the Direc-
10 tor of a national intelligence center shall—

11 (A) manage the operations of the center;

12 (B) coordinate the provision of administration and
13 support by the element of the intelligence community with
14 lead responsibility for the center under subsection (b)(1);

15 (C) submit budget and personnel requests for the cen-
16 ter to the National Intelligence Director;

17 (D) seek such assistance from other departments,
18 agencies, and elements of the United States Government as
19 is needed to fulfill the mission of the center; and

20 (E) advise the National Intelligence Director of the in-
21 formation technology, personnel, and other requirements of
22 the center for the performance of its mission.

23 (4) The National Intelligence Director shall ensure that
24 the Director of a national intelligence center has sufficient au-
25 thority, direction, and control to effectively accomplish the mis-
26 sion of the center.

27 (d) MISSION OF CENTERS.—Pursuant to the direction of
28 the National Intelligence Director, each national intelligence
29 center shall, in the area of intelligence responsibility assigned
30 to the center by the Director pursuant to intelligence priorities
31 established by the National Security Council—

32 (1) have primary responsibility for providing all-source
33 analysis of intelligence based upon foreign intelligence gath-
34 ered both abroad and domestically;

35 (2) have primary responsibility for identifying and pro-
36 posing to the National Intelligence Director intelligence col-
37 lection and analysis requirements;

1 (3) have primary responsibility for net assessments
2 and warnings;

3 (4) ensure that appropriate officials of the United
4 States Government and other appropriate officials have ac-
5 cess to a variety of intelligence assessments and analytical
6 views; and

7 (5) perform such other duties as the National Intel-
8 ligence Director shall specify.

9 (e) INFORMATION SHARING.—(1) The National Intel-
10 ligence Director shall ensure that the Directors of the national
11 intelligence centers and the other elements of the intelligence
12 community undertake appropriate sharing of intelligence anal-
13 ysis and plans for operations in order to facilitate the activities
14 of the centers.

15 (2) In order to facilitate information sharing under para-
16 graph (1), the Directors of the national intelligence centers
17 shall—

18 (A) report directly to the National Intelligence Direc-
19 tor regarding their activities under this section; and

20 (B) coordinate with the Principal Deputy National In-
21 telligence Director regarding such activities.

22 (f) STAFF.—(1) In providing for a professional staff for
23 a national intelligence center, the National Intelligence Director
24 may establish as positions in the excepted service such positions
25 in the center as the National Intelligence Director considers ap-
26 propriate.

27 (2)(A) The National Intelligence Director shall, from time
28 to time—

29 (i) specify the transfers, assignments, and details of
30 personnel funded within the National Intelligence Program
31 to a national intelligence center from any other element of
32 the intelligence community that the National Intelligence
33 Director considers appropriate; and

34 (ii) in the case of personnel from a department, agen-
35 cy, or element of the United States Government not funded
36 within the National Intelligence Program, request the

1 transfer, assignment, or detail of such personnel from the
2 department, agency, or other element concerned.

3 (B)(i) The head of an element of the intelligence commu-
4 nity shall promptly effect any transfer, assignment, or detail of
5 personnel specified by the National Intelligence Director under
6 subparagraph (A)(i).

7 (ii) The head of a department, agency, or element of the
8 United States Government receiving a request for transfer, as-
9 signment, or detail of personnel under subparagraph (A)(ii)
10 shall, to the extent practicable, approve the request.

11 (3) Personnel employed in or assigned or detailed to a na-
12 tional intelligence center under this subsection shall be under
13 the authority, direction, and control of the Director of the cen-
14 ter on all matters for which the center has been assigned re-
15 sponsibility and for all matters related to the accomplishment
16 of the mission of the center.

17 (4) Performance evaluations of personnel assigned or de-
18 tailed to a national intelligence center under this subsection
19 shall be undertaken by the supervisors of such personnel at the
20 center.

21 (5) The supervisors of the staff of a national center may,
22 with the approval of the National Intelligence Director, reward
23 the staff of the center for meritorious performance by the pro-
24 vision of such performance awards as the National Intelligence
25 Director shall prescribe.

26 (6) The National Intelligence Director may delegate to the
27 Director of a national intelligence center any responsibility,
28 power, or authority of the National Intelligence Director under
29 paragraphs (1) through (6).

30 (7) The Director of a national intelligence center may rec-
31 ommend to the National Intelligence Director the reassignment
32 to the home element concerned of any personnel previously as-
33 signed or detailed to the center from another element of the in-
34 telligence community.

35 (g) TERMINATION.—(1) The National Intelligence Director
36 may terminate a national intelligence center if the National In-
37 telligence Director determines that the center is no longer re-

1 quired to meet an intelligence priority established by the Na-
2 tional Security Council.

3 (2) The National Intelligence Director shall notify Con-
4 gress of any determination made under paragraph (1) before
5 carrying out such determination.

6 **Subtitle E—Education and Training**
7 **of Intelligence Community Personnel**

8 **SEC. 151. FRAMEWORK FOR CROSS-DISCIPLINARY EDU-**
9 **CATION AND TRAINING.**

10 The National Intelligence Director shall establish an inte-
11 grated framework that brings together the educational compo-
12 nents of the intelligence community in order to promote a more
13 effective and productive intelligence community through cross-
14 disciplinary education and joint training.

15 **SEC. 152. INTELLIGENCE COMMUNITY SCHOLARSHIP**
16 **PROGRAM.**

17 (a) DEFINITIONS.—In this section:

18 (1) AGENCY.—The term “agency” means each element
19 of the intelligence community as determined by the Na-
20 tional Intelligence Director.

21 (2) INSTITUTION OF HIGHER EDUCATION.—The term
22 “institution of higher education” has the meaning given
23 that term under section 101 of the Higher Education Act
24 of 1965 (20 U.S.C. 1001).

25 (3) PROGRAM.—The term “Program” means the Intel-
26 ligence Community Scholarship Program established under
27 subsection (b).

28 (b) ESTABLISHMENT.—

29 (1) IN GENERAL.—The National Intelligence Director,
30 in consultation with the head of each agency, shall establish
31 a scholarship program (to be known as the “Intelligence
32 Community Scholarship Program”) to award scholarships
33 to individuals that is designed to recruit and prepare stu-
34 dents for civilian careers in the intelligence community to
35 meet the critical needs of the intelligence community agen-
36 cies.

37 (2) SELECTION OF RECIPIENTS.—

1 (A) MERIT AND AGENCY NEEDS.—Individuals
2 shall be selected to receive scholarships under this sec-
3 tion through a competitive process primarily on the
4 basis of academic merit and the needs of the agency.

5 (B) DEMONSTRATED COMMITMENT.—Individuals
6 selected under this section shall have a demonstrated
7 commitment to the field of study for which the scholar-
8 ship is awarded.

9 (3) CONTRACTUAL AGREEMENTS.—To carry out the
10 Program the head of each agency shall enter into contrac-
11 tual agreements with individuals selected under paragraph
12 (2) under which the individuals agree to serve as full-time
13 employees of the agency, for the period described in sub-
14 section (h)(1), in positions needed by the agency and for
15 which the individuals are qualified, in exchange for receiv-
16 ing a scholarship.

17 (c) ELIGIBILITY.—In order to be eligible to participate in
18 the Program, an individual shall—

19 (1) be enrolled or accepted for enrollment as a full-
20 time student at an institution of higher education and be
21 pursuing or intend to pursue undergraduate or graduate
22 education in an academic field or discipline described in the
23 list made available under subsection (e);

24 (2) be a United States citizen; and

25 (3) at the time of the initial scholarship award, not be
26 an employee (as defined under section 2105 of title 5,
27 United States Code).

28 (d) APPLICATION.—An individual seeking a scholarship
29 under this section shall submit an application to the National
30 Intelligence Director at such time, in such manner, and con-
31 taining such information, agreements, or assurances as the Di-
32 rector may require.

33 (e) PROGRAMS AND FIELDS OF STUDY.—The National In-
34 telligence Director shall—

35 (1) make publicly available a list of academic pro-
36 grams and fields of study for which scholarships under the
37 Program may be used; and

1 (2) update the list as necessary.

2 (f) SCHOLARSHIPS.—

3 (1) IN GENERAL.—The National Intelligence Director
4 may provide a scholarship under the Program for an aca-
5 demic year if the individual applying for the scholarship
6 has submitted to the Director, as part of the application re-
7 quired under subsection (d), a proposed academic program
8 leading to a degree in a program or field of study on the
9 list made available under subsection (e).

10 (2) LIMITATION ON YEARS.—An individual may not
11 receive a scholarship under this section for more than 4
12 academic years, unless the National Intelligence Director
13 grants a waiver.

14 (3) STUDENT RESPONSIBILITIES.—Scholarship recipi-
15 ents shall maintain satisfactory academic progress.

16 (4) AMOUNT.—The dollar amount of a scholarship
17 under this section for an academic year shall be determined
18 under regulations issued by the National Intelligence Direc-
19 tor, but shall in no case exceed the cost of tuition, fees, and
20 other authorized expenses as established by the Director.

21 (5) USE OF SCHOLARSHIPS.—A scholarship provided
22 under this section may be expended for tuition, fees, and
23 other authorized expenses as established by the National
24 Intelligence Director by regulation.

25 (6) PAYMENT TO INSTITUTION OF HIGHER EDU-
26 CATION.—The National Intelligence Director may enter
27 into a contractual agreement with an institution of higher
28 education under which the amounts provided for a scholar-
29 ship under this section for tuition, fees, and other author-
30 ized expenses are paid directly to the institution with re-
31 spect to which the scholarship is provided.

32 (g) SPECIAL CONSIDERATION FOR CURRENT EMPLOY-
33 EES.—

34 (1) SET ASIDE OF SCHOLARSHIPS.—Notwithstanding
35 paragraphs (1) and (3) of subsection (c), 10 percent of the
36 scholarships awarded under this section shall be set aside
37 for individuals who are employees of agencies on the date

1 of enactment of this section to enhance the education of
2 such employees in areas of critical needs of agencies.

3 (2) FULL- OR PART-TIME EDUCATION.—Employees
4 who are awarded scholarships under paragraph (1) shall be
5 permitted to pursue undergraduate or graduate education
6 under the scholarship on a full-time or part-time basis.

7 (h) EMPLOYEE SERVICE.—

8 (1) PERIOD OF SERVICE.—Except as provided in sub-
9 section (j)(2), the period of service for which an individual
10 shall be obligated to serve as an employee of the agency is
11 24 months for each academic year for which a scholarship
12 under this section is provided. Under no circumstances
13 shall the total period of obligated service be more than 8
14 years.

15 (2) BEGINNING OF SERVICE.—

16 (A) IN GENERAL.—Except as provided in subpara-
17 graph (B), obligated service under paragraph (1) shall
18 begin not later than 60 days after the individual ob-
19 tains the educational degree for which the scholarship
20 was provided.

21 (B) DEFERRAL.—In accordance with regulations
22 established by the National Intelligence Director, the
23 Director or designee may defer the obligation of an in-
24 dividual to provide a period of service under paragraph
25 (1) if the Director or designee determines that such a
26 deferral is appropriate.

27 (i) REPAYMENT.—

28 (1) IN GENERAL.—Scholarship recipients who fail to
29 maintain a high level of academic standing, as defined by
30 the National Intelligence Director, who are dismissed from
31 their educational institutions for disciplinary reasons, or
32 who voluntarily terminate academic training before gradua-
33 tion from the educational program for which the scholar-
34 ship was awarded, shall be in breach of their contractual
35 agreement and, in lieu of any service obligation arising
36 under such agreement, shall be liable to the United States
37 for repayment within 1 year after the date of default of all

1 scholarship funds paid to them and to the institution of
2 higher education on their behalf under the agreement, ex-
3 cept as provided in subsection (j)(2). The repayment period
4 may be extended by the Director when determined to be
5 necessary, as established by regulation.

6 (2) LIABILITY.—Scholarship recipients who, for any
7 reason, fail to begin or complete their service obligation
8 after completion of academic training, or fail to comply
9 with the terms and conditions of deferment established by
10 the National Intelligence Director under subsection
11 (h)(2)(B), shall be in breach of their contractual agree-
12 ment. When recipients breach their agreements for the rea-
13 sons stated in the preceding sentence, the recipient shall be
14 liable to the United States for an amount equal to—

15 (A) the total amount of scholarships received by
16 such individual under this section; and

17 (B) the interest on the amounts of such awards
18 which would be payable if at the time the awards were
19 received they were loans bearing interest at the max-
20 imum legal prevailing rate, as determined by the Treas-
21 urer of the United States, multiplied by 3.

22 (j) CANCELLATION, WAIVER, OR SUSPENSION OF OBLIGA-
23 TION.—

24 (1) CANCELLATION.—Any obligation of an individual
25 incurred under the Program (or a contractual agreement
26 thereunder) for service or payment shall be canceled upon
27 the death of the individual.

28 (2) WAIVER OR SUSPENSION.—The National Intel-
29 ligence Director shall prescribe regulations to provide for
30 the partial or total waiver or suspension of any obligation
31 of service or payment incurred by an individual under the
32 Program (or a contractual agreement thereunder) whenever
33 compliance by the individual is impossible or would involve
34 extreme hardship to the individual, or if enforcement of
35 such obligation with respect to the individual would be con-
36 trary to the best interests of the Government.

(k) REGULATIONS.—The National Intelligence Director shall prescribe regulations necessary to carry out this section.

Subtitle F—Additional Authorities of National Intelligence Authority

SEC. 161. USE OF APPROPRIATED FUNDS.

(a) DISPOSAL OF PROPERTY.—(1) If specifically authorized to dispose of real property of the National Intelligence Authority under any law enacted after the date of the enactment of this Act, the National Intelligence Director shall, subject to paragraph (2), exercise such authority in strict compliance with subchapter IV of chapter 5 of title 40, United States Code.

(2) The Director shall deposit the proceeds of any disposal of property of the National Intelligence Authority into the miscellaneous receipts of the Treasury in accordance with section 3302(b) of title 31, United States Code.

(b) GIFTS.—Gifts or donations of services or property of or for the National Intelligence Authority may not be accepted, used, or disposed of unless specifically permitted in advance in an appropriations Act and only under the conditions and for the purposes specified in such appropriations Act.

SEC. 162. ACQUISITION AND FISCAL AUTHORITIES.

(a) ACQUISITIONS OF MAJOR SYSTEMS.—(1) For each intelligence program for the acquisition of a major system, the National Intelligence Director shall—

(A) require the development and implementation of a program management plan that includes cost, schedule, and performance goals and program milestone criteria;

(B) subject to paragraph (4), serve as the exclusive milestone decision authority; and

(C) periodically—

(i) review and assess the progress made toward the achievement of the goals and milestones established in such plan; and

(ii) submit to Congress a report on the results of such review and assessment.

1 (2) The National Intelligence Director shall prescribe guid-
2 ance for the development and implementation of program man-
3 agement plans under this subsection. In prescribing such guid-
4 ance, the Director shall review Department of Defense guid-
5 ance on program management plans for Department of Defense
6 programs for the acquisition of major systems and, to the ex-
7 tent feasible, incorporate the principles of the Department of
8 Defense guidance into the Director's guidance under this sub-
9 section.

10 (3) Nothing in this subsection may be construed to limit
11 the authority of the National Intelligence Director to delegate
12 to any other official any authority to perform the responsibil-
13 ities of the Director under this subsection.

14 (4)(A) The authority conferred by paragraph (1)(B) shall
15 not apply to Department of Defense programs until the Na-
16 tional Intelligence Director, in consultation with the Secretary
17 of Defense, determines that the National Intelligence Authority
18 has the personnel and capability to fully and effectively carry
19 out such authority.

20 (B) The National Intelligence Director may assign any au-
21 thority under this subsection to the Secretary of Defense. The
22 assignment of such authority shall be made pursuant to a
23 memorandum of understanding between the Director and the
24 Secretary.

25 (5) In this subsection:

26 (A) The term "intelligence program", with respect to
27 the acquisition of a major system, means a program that—

28 (i) is carried out to acquire such major system for
29 an element of the intelligence community; and

30 (ii) is funded in whole out of amounts available for
31 the National Intelligence Program.

32 (B) The term "major system" has the meaning given
33 such term in section 4(9) of the Federal Property and Ad-
34 ministrative Services Act of 1949 (41 U.S.C. 403(9)).

35 (b) AVAILABILITY OF FUNDS.—Notwithstanding any other
36 provision of law (other than the provisions of this Act), sums
37 appropriated or otherwise made available to the National Intel-

1 ligence Authority may be expended for purposes necessary to
2 carry out its functions, including any function performed by the
3 National Intelligence Authority that is described in section 8(a)
4 of the Central Intelligence Agency Act of 1949 (50 U.S.C.
5 403j(a)).

6 (c) RELATIONSHIP OF DIRECTOR'S AUTHORITY TO OTHER
7 LAWS ON ACQUISITION AND MANAGEMENT OF PROPERTY AND
8 SERVICES.—Section 113(e) of title 40, United States Code, is
9 amended—

10 (A) by striking “or” at the end of paragraph (18);

11 (B) by striking the period at the end of paragraph
12 (19) and inserting “; or”; and

13 (C) by adding at the end the following new paragraph:
14 “(20) the National Intelligence Director.”.

15 (d) NATIONAL INTELLIGENCE DIRECTOR REPORT ON EN-
16 HANCEMENT OF NSA AND NGIA ACQUISITION AUTHORI-
17 TIES.—Not later than one year after the date of the enactment
18 of this Act, the National Intelligence Director shall—

19 (1) review—

20 (A) the acquisition authority of the Director of the
21 National Security Agency; and

22 (B) the acquisition authority of the Director of the
23 National Geospatial-Intelligence Agency; and

24 (2) submit to the Committee on Governmental Affairs
25 of the Senate and the Committee on Government Reform
26 of the House of Representatives a report setting forth any
27 recommended enhancements of the acquisition authorities
28 of the Director of the National Security Agency and the
29 Director of the National Geospatial-Intelligence Agency
30 that the National Intelligence Director considers necessary.

31 (e) COMPTROLLER GENERAL REPORT ON ACQUISITION
32 POLICIES AND PROCEDURES.—Not later than two years after
33 the date of the enactment of this Act, the Comptroller General
34 of the United States shall submit to Congress a report on the
35 extent to which the policies and procedures adopted for man-
36 aging the acquisition of major systems for national intelligence
37 purposes, as identified by the National Intelligence Director,

1 are likely to result in successful cost, schedule, and perform-
2 ance outcomes.

3 **SEC. 163. PERSONNEL MATTERS.**

4 (a) IN GENERAL.—In addition to the authorities provided
5 in section 114, the National Intelligence Director may exercise
6 with respect to the personnel of the National Intelligence Au-
7 thority any authority of the Director of the Central Intelligence
8 Agency with respect to the personnel of the Central Intelligence
9 Agency under the Central Intelligence Agency Act of 1949 (50
10 U.S.C. 403a et seq.), and other applicable provisions of law, as
11 of the date of the enactment of this Act to the same extent,
12 and subject to the same conditions and limitations, that the Di-
13 rector of the Central Intelligence Agency may exercise such au-
14 thority with respect to personnel of the Central Intelligence
15 Agency.

16 (b) RIGHTS AND PROTECTIONS OF EMPLOYEES AND AP-
17 PPLICANTS.—Employees and applicants for employment of the
18 National Intelligence Authority shall have the same rights and
19 protections under the Authority as employees of the Central In-
20 telligence Agency have under the Central Intelligence Agency
21 Act of 1949, and other applicable provisions of law, as of the
22 date of the enactment of this Act.

23 **SEC. 164. ETHICS MATTERS.**

24 (a) POLITICAL SERVICE OF PERSONNEL.—Section
25 7323(b)(2)(B)(i) of title 5, United States Code, is amended—

26 (1) in subclause (XII), by striking “or” at the end;
27 and

28 (2) by inserting after subclause (XIII) the following
29 new subclause:

30 “(XIV) the National Intelligence Authority; or”.

31 (b) DELETION OF INFORMATION ABOUT FOREIGN
32 GIFTS.—Section 7342(f)(4) of title 5, United States Code, is
33 amended—

34 (1) by inserting “(A)” after “(4)”;

35 (2) in subparagraph (A), as so designated, by striking
36 “the Director of Central Intelligence” and inserting “the
37 Director of the Central Intelligence Agency”; and

1 (3) by adding at the end the following new subpara-
2 graph:

3 “(B) In transmitting such listings for the National Intel-
4 ligence Authority, the National Intelligence Director may delete
5 the information described in subparagraphs (A) and (C) of
6 paragraphs (2) and (3) if the Director certifies in writing to
7 the Secretary of State that the publication of such information
8 could adversely affect United States intelligence sources.”.

9 (c) EXEMPTION FROM FINANCIAL DISCLOSURES.—Section
10 105(a)(1) of the Ethics in Government Act (5 U.S.C. App.) is
11 amended by inserting “the National Intelligence Authority,”
12 before “the Central Intelligence Agency”.

13 **TITLE II—OTHER IMPROVEMENTS**
14 **OF INTELLIGENCE ACTIVITIES**
15 **Subtitle A—Improvements of**
16 **Intelligence Activities**

17 **SEC. 201. AVAILABILITY TO PUBLIC OF CERTAIN INTEL-**
18 **LIGENCE FUNDING INFORMATION.**

19 (a) AMOUNTS REQUESTED EACH FISCAL YEAR.—The
20 President shall disclose to the public for each fiscal year after
21 fiscal year 2005 the aggregate amount of appropriations re-
22 quested in the budget of the President for such fiscal year for
23 the National Intelligence Program.

24 (b) AMOUNTS AUTHORIZED AND APPROPRIATED EACH
25 FISCAL YEAR.—Congress shall disclose to the public for each
26 fiscal year after fiscal year 2005 the aggregate amount of
27 funds authorized to be appropriated, and the aggregate amount
28 of funds appropriated, by Congress for such fiscal year for the
29 National Intelligence Program.

30 (c) STUDY OF DISCLOSURE OF ADDITIONAL INFORMA-
31 TION.—(1) The National Intelligence Director shall conduct a
32 study to assess the advisability of disclosing to the public
33 amounts as follows:

34 (A) The aggregate amount of appropriations requested
35 in the budget of the President for each fiscal year for each
36 element of the intelligence community.

(B) The aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for each fiscal year for each element of the intelligence community.

(2) The study under paragraph (1) shall—

(A) address whether or not the disclosure to the public of the information referred to in that paragraph would harm the national security of the United States; and

(B) take into specific account concerns relating to the disclosure of such information for each element of the intelligence community.

(3) Not later than 180 days after the effective date of this section, the Director shall submit to Congress a report on the study under paragraph (1).

**SEC. 202. MERGER OF HOMELAND SECURITY COUNCIL
INTO NATIONAL SECURITY COUNCIL.**

(a) MERGER OF HOMELAND SECURITY COUNCIL INTO NATIONAL SECURITY COUNCIL.—Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended—

(1) in the fourth undesignated paragraph of subsection (a), by striking clauses (5) and (6) and inserting the following new clauses:

“(5) the Attorney General;

“(6) the Secretary of Homeland Security;” and

(2) in subsection (b)—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

“(3) assess the objectives, commitments, and risks of the United States in the interests of homeland security and make recommendations to the President based on such assessments;

1 “(4) oversee and review the homeland security policies
2 of the Federal Government and make recommendations to
3 the President based on such oversight and review; and

4 “(5) perform such other functions as the President
5 may direct.”.

6 (c) REPEAL OF SUPERSEDED AUTHORITY.—(1) Title IX
7 of the Homeland Security Act of 2002 (6 U.S.C. 491 et seq.)
8 is repealed.

9 (2) The table of contents for that Act is amended by strik-
10 ing the items relating to title IX.

11 **SEC. 203. JOINT INTELLIGENCE COMMUNITY COUNCIL.**

12 Title I of the National Security Act of 1947 (50 U.S.C.
13 401 et seq.) is amended by inserting after section 101 the fol-
14 lowing new section:

15 “JOINT INTELLIGENCE COMMUNITY COUNCIL

16 “SEC. 101A. (a) JOINT INTELLIGENCE COMMUNITY
17 COUNCIL.—There is a Joint Intelligence Community Council.

18 “(b) MEMBERSHIP.—The Joint Intelligence Community
19 Council shall consist of the following:

20 “(1) The National Intelligence Director, who shall
21 chair the Council.

22 “(2) The Secretary of State.

23 “(3) The Secretary of the Treasury.

24 “(4) The Secretary of Defense.

25 “(5) The Attorney General.

26 “(6) The Secretary of Energy.

27 “(7) The Secretary of Homeland Security.

28 “(8) Such other officers of the United States Govern-
29 ment as the President may designate from time to time.

30 “(c) FUNCTIONS.—The Joint Intelligence Community
31 Council shall assist the National Intelligence Director to in de-
32 veloping and implementing a joint, unified national intelligence
33 effort to protect national security by—

34 “(1) advising the Director on establishing require-
35 ments, developing budgets, financial management, and
36 monitoring and evaluating the performance of the intel-

1 ligence community, and on such other matters as the Di-
2 rector may request; and

3 “(2) ensuring the timely execution of programs, poli-
4 cies, and directives established or developed by the Direc-
5 tor.

6 “(d) MEETINGS.—The Joint Intelligence Community
7 Council shall meet upon the request of the National Intelligence
8 Director.”.

9 **SEC. 204. IMPROVEMENT OF INTELLIGENCE CAPABILI-**
10 **TIES OF THE FEDERAL BUREAU OF INVES-**
11 **TIGATION.**

12 (a) FINDINGS.—Congress makes the following findings:

13 (1) The National Commission on Terrorist Attacks
14 Upon the United States in its final report stated that,
15 under Director Robert Mueller, the Federal Bureau of In-
16 vestigation has made significant progress in improving its
17 intelligence capabilities.

18 (2) In the report, the members of the Commission also
19 urged that the Federal Bureau of Investigation fully insti-
20 tutionalize the shift of the Bureau to a preventive
21 counterterrorism posture.

22 (b) IMPROVEMENT OF INTELLIGENCE CAPABILITIES.—
23 The Director of the Federal Bureau of Investigation shall con-
24 tinue efforts to improve the intelligence capabilities of the Fed-
25 eral Bureau of Investigation and to develop and maintain with-
26 in the Bureau a national intelligence workforce.

27 (c) NATIONAL INTELLIGENCE WORKFORCE.—(1) In devel-
28 oping and maintaining a national intelligence workforce under
29 subsection (b), the Director of the Federal Bureau of Investiga-
30 tion shall, subject to the direction and control of the President,
31 develop and maintain a specialized and integrated national in-
32 telligence workforce consisting of agents, analysts, linguists,
33 and surveillance specialists who are recruited, trained, and re-
34 warded in a manner which ensures the existence within the
35 Federal Bureau of Investigation an institutional culture with
36 substantial expertise in, and commitment to, the intelligence
37 mission of the Bureau.

1 (2) Each agent employed by the Bureau after the date of
2 the enactment of this Act shall receive basic training in both
3 criminal justice matters and national intelligence matters.

4 (3) Each agent employed by the Bureau after the date of
5 the enactment of this Act shall, to the maximum extent prac-
6 ticable, be given the opportunity to undergo, during such
7 agent's early service with the Bureau, meaningful assignments
8 in criminal justice matters and in national intelligence matters.

9 (4) The Director shall—

10 (A) establish career positions in national intelligence
11 matters for agents and analysts of the Bureau; and

12 (B) in furtherance of the requirement under subpara-
13 graph (A) and to the maximum extent practicable, afford
14 agents and analysts of the Bureau the opportunity to work
15 in the career specialty selected by such agents and analysts
16 over their entire career with the Bureau.

17 (5) The Director shall carry out a program to enhance the
18 capacity of the Bureau to recruit and retain individuals with
19 backgrounds in intelligence, international relations, language,
20 technology, and other skills relevant to the intelligence mission
21 of the Bureau.

22 (6) The Director shall, to the maximum extent practicable,
23 afford the analysts of the Bureau training and career opportu-
24 nities commensurate with the training and career opportunities
25 afforded analysts in other elements of the intelligence commu-
26 nity.

27 (7) Commencing as soon as practicable after the date of
28 the enactment of this Act, each direct supervisor of a Field In-
29 telligence Group, and each Bureau Operational Manager at the
30 Section Chief and Assistant Special Agent in Charge (ASAC)
31 level and above, shall be a certified intelligence officer.

32 (8) The Director shall, to the maximum extent practicable,
33 ensure that the successful discharge of advanced training
34 courses, and of one or more assignments to another element of
35 the intelligence community, is a precondition to advancement to
36 higher level intelligence assignments within the Bureau.

1 (d) FIELD OFFICE MATTERS.—(1) In improving the intel-
2 ligence capabilities of the Federal Bureau of Investigation
3 under subsection (b), the Director of the Federal Bureau of In-
4 vestigation shall ensure that each Field Intelligence Group re-
5 ports directly to a field office senior manager responsible for
6 intelligence matters.

7 (2) The Director shall provide for such expansion of the
8 secure facilities in the field offices of the Bureau as is nec-
9 essary to ensure the discharge by the field offices of the intel-
10 ligence mission of the Bureau.

11 (3) The Director shall require that each Field Intelligence
12 Group manager ensures the integration of analysts, agents, lin-
13 guists, and surveillance personnel in the field.

14 (e) BUDGET MATTERS.—The Director of the Federal Bu-
15 reau of Investigation shall, in consultation with the Director of
16 the Office of Management and Budget, modify the budget
17 structure of the Federal Bureau of Investigation in order to or-
18 ganize the budget according to the four principal missions of
19 the Bureau as follows:

20 (1) Intelligence.

21 (2) Counterterrorism and counterintelligence.

22 (3) Criminal Enterprises/Federal Crimes.

23 (4) Criminal justice services.

24 (f) REPORTS.—(1) Not later than 180 days after the date
25 of the enactment of this Act, the Director of the Federal Bu-
26 reau of Investigation shall submit to Congress a report on the
27 progress made as of the date of such report in carrying out the
28 requirements of this section.

29 (2) The Director shall include in each annual program re-
30 view of the Federal Bureau of Investigation that is submitted
31 to Congress a report on the progress made by each field office
32 of the Bureau during the period covered by such review in ad-
33 dressing Bureau and national program priorities.

34 (3) Not later than 180 days after the date of the enact-
35 ment of this Act, and every 12 months thereafter, the Director
36 shall submit to Congress a report assessing the qualifications,

1 status, and roles of analysts at Bureau headquarters and in the
2 field offices of the Bureau.

3 (4) Not later than 180 days after the date of the enact-
4 ment of this Act, and every 12 months thereafter, the Director
5 shall submit to Congress a report on the progress of the Bu-
6 reau in implementing information-sharing principles.

7 **SEC. 205. FEDERAL BUREAU OF INVESTIGATION INTEL-**
8 **LIGENCE CAREER SERVICE.**

9 (a) SHORT TITLE.—This section may be cited as the
10 “Federal Bureau of Investigation Intelligence Career Service
11 Authorization Act of 2005”.

12 (b) ESTABLISHMENT OF FEDERAL BUREAU OF INVES-
13 TIGATION INTELLIGENCE CAREER SERVICE.—

14 (1) IN GENERAL.—The Director of the Federal Bu-
15 reau of Investigation, in consultation with the Director of
16 the Office of Personnel Management—

17 (A) may establish positions for intelligence ana-
18 lysts, without regard to chapter 51 of title 5, United
19 States Code;

20 (B) shall prescribe standards and procedures for
21 establishing and classifying such positions; and

22 (C) may fix the rate of basic pay for such posi-
23 tions, without regard to subchapter III of chapter 53
24 of title 5, United States Code, if the rate of pay is not
25 greater than the rate of basic pay payable for level IV
26 of the Executive Schedule.

27 (2) LEVELS OF PERFORMANCE.—Any performance
28 management system established for intelligence analysts
29 shall have at least 1 level of performance above a retention
30 standard.

31 (c) REPORTING REQUIREMENT.—Not less than 60 days
32 before the date of the implementation of authorities authorized
33 under this section, the Director of the Federal Bureau of Inves-
34 tigation shall submit an operating plan describing the Direc-
35 tor’s intended use of the authorities under this section to—

36 (1) the Committees on Appropriations of the Senate
37 and the House of Representatives;

1 (2) the Committee on Governmental Affairs of the
2 Senate;

3 (3) the Committee on Government Reform of the
4 House of Representatives;

5 (4) the congressional intelligence committees; and

6 (5) the Committees on the Judiciary of the Senate and
7 the House of Representatives.

8 (d) ANNUAL REPORT.—Not later than December 31,
9 2005, and annually thereafter for 4 years, the Director of the
10 Federal Bureau of Investigation shall submit an annual report
11 of the use of the permanent authorities provided under this sec-
12 tion during the preceding fiscal year to—

13 (1) the Committees on Appropriations of the Senate
14 and the House of Representatives;

15 (2) the Committee on Governmental Affairs of the
16 Senate;

17 (3) the Committee on Government Reform of the
18 House of Representatives;

19 (4) the congressional intelligence committees; and

20 (5) the Committees on the Judiciary of the Senate and
21 the House of Representatives.

22 **SEC. 206. INFORMATION SHARING.**

23 (a) DEFINITIONS.—In this section:

24 (1) ADVISORY BOARD.—The term “Advisory Board”
25 means the Advisory Board on Information Sharing estab-
26 lished under subsection (i).

27 (2) EXECUTIVE COUNCIL.—The term “Executive
28 Council” means the Executive Council on Information
29 Sharing established under subsection (h).

30 (3) HOMELAND SECURITY INFORMATION.—The term
31 “homeland security information” means all information,
32 whether collected, produced, or distributed by intelligence,
33 law enforcement, military, homeland security, or other ac-
34 tivities relating to—

35 (A) the existence, organization, capabilities, plans,
36 intentions, vulnerabilities, means of finance or material
37 support, or activities of foreign or international ter-

rorist groups or individuals, or of domestic groups or individuals involved in transnational terrorism;

(B) threats posed by such groups or individuals to the United States, United States persons, or United States interests, or to those of other nations;

(C) communications of or by such groups or individuals; or

(D) groups or individuals reasonably believed to be assisting or associated with such groups or individuals.

(4) NETWORK.—The term “Network” means the Information Sharing Network described under subsection (c).

(b) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks upon the United States, Congress makes the following findings:

(1) The effective use of information, from all available sources, is essential to the fight against terror and the protection of our homeland. The biggest impediment to all-source analysis, and to a greater likelihood of “connecting the dots”, is resistance to sharing information.

(2) The United States Government has access to a vast amount of information, including not only traditional intelligence but also other government databases, such as those containing customs or immigration information. However, the United States Government has a weak system for processing and using the information it has.

(3) In the period preceding September 11, 2001, there were instances of potentially helpful information that was available but that no person knew to ask for; information that was distributed only in compartmented channels, and information that was requested but could not be shared.

(4) Current security requirements nurture over-classification and excessive compartmentalization of information among agencies. Each agency’s incentive structure opposes sharing, with risks, including criminal, civil, and administrative sanctions, but few rewards for sharing information.

(5) The current system, in which each intelligence agency has its own security practices, requires a dem-

1 onstrated “need to know” before sharing. This approach
2 assumes that it is possible to know, in advance, who will
3 need to use the information. An outgrowth of the cold war,
4 such a system implicitly assumes that the risk of inad-
5 vertent disclosure outweighs the benefits of wider sharing.
6 Such assumptions are no longer appropriate. Although
7 counterintelligence concerns are still real, the costs of not
8 sharing information are also substantial. The current
9 “need-to-know” culture of information protection needs to
10 be replaced with a “need-to-share” culture of integration.

11 (6) A new approach to the sharing of intelligence and
12 homeland security information is urgently needed. An im-
13 portant conceptual model for a new “trusted information
14 network” is the Systemwide Homeland Analysis and Re-
15 source Exchange (SHARE) Network proposed by a task
16 force of leading professionals assembled by the Markle
17 Foundation and described in reports issued in October
18 2002 and December 2003.

19 (7) No single agency can create a meaningful informa-
20 tion sharing system on its own. Alone, each agency can
21 only modernize stovepipes, not replace them. Presidential
22 leadership is required to bring about governmentwide
23 change.

24 (c) INFORMATION SHARING NETWORK.—

25 (1) ESTABLISHMENT.—The President shall establish a
26 trusted information network and secure information shar-
27 ing environment to promote sharing of intelligence and
28 homeland security information in a manner consistent with
29 national security and the protection of privacy and civil lib-
30 erties, and based on clearly defined and consistently applied
31 policies and procedures, and valid investigative, analytical
32 or operational requirements.

33 (2) ATTRIBUTES.—The Network shall promote coordi-
34 nation, communication and collaboration of people and in-
35 formation among all relevant Federal departments and
36 agencies, State, tribal, and local authorities, and relevant
37 private sector entities, including owners and operators of

critical infrastructure, by using policy guidelines and technologies that support—

(A) a decentralized, distributed, and coordinated environment that connects existing systems where appropriate and allows users to share information among agencies, between levels of government, and, as appropriate, with the private sector;

(B) the sharing of information in a form and manner that facilitates its use in analysis, investigations and operations;

(C) building upon existing systems capabilities currently in use across the Government;

(D) utilizing industry best practices, including minimizing the centralization of data and seeking to use common tools and capabilities whenever possible;

(E) employing an information access management approach that controls access to data rather than to just networks;

(F) facilitating the sharing of information at and across all levels of security by using policy guidelines and technologies that support writing information that can be broadly shared;

(G) providing directory services for locating people and information;

(H) incorporating protections for individuals' privacy and civil liberties;

(I) incorporating strong mechanisms for information security and privacy and civil liberties guideline enforcement in order to enhance accountability and facilitate oversight, including—

(i) multifactor authentication and access control;

(ii) strong encryption and data protection;

(iii) immutable audit capabilities;

(iv) automated policy enforcement;

(v) perpetual, automated screening for abuses of network and intrusions; and

1 (vi) uniform classification and handling proce-
2 dures;

3 (J) compliance with requirements of applicable law
4 and guidance with regard to the planning, design, ac-
5 quisition, operation, and management of information
6 systems; and

7 (K) permitting continuous system upgrades to
8 benefit from advances in technology while preserving
9 the integrity of stored data.

10 (d) IMMEDIATE ACTIONS.—Not later than 90 days after
11 the date of the enactment of this Act, the Director of the Office
12 of Management and Budget, in consultation with the Executive
13 Council, shall—

14 (1) submit to the President and to Congress a descrip-
15 tion of the technological, legal, and policy issues presented
16 by the creation of the Network described in subsection (c),
17 and the way in which these issues will be addressed;

18 (2) establish electronic directory services to assist in
19 locating in the Federal Government intelligence and home-
20 land security information and people with relevant knowl-
21 edge about intelligence and homeland security information;
22 and

23 (3) conduct a review of relevant current Federal agen-
24 cy capabilities, including—

25 (A) a baseline inventory of current Federal sys-
26 tems that contain intelligence or homeland security in-
27 formation;

28 (B) the money currently spent to maintain those
29 systems; and

30 (C) identification of other information that should
31 be included in the Network.

32 (e) GUIDELINES AND REQUIREMENTS.—As soon as pos-
33 sible, but in no event later than 180 days after the date of the
34 enactment of this Act, the President shall—

35 (1) in consultation with the Executive Council—

36 (A) issue guidelines for acquiring, accessing, shar-
37 ing, and using information, including guidelines to en-

1 sure that information is provided in its most shareable
2 form, such as by separating out data from the sources
3 and methods by which that data are obtained; and

4 (B) on classification policy and handling proce-
5 dures across Federal agencies, including commonly ac-
6 cepted processing and access controls;

7 (2) in consultation with the Privacy and Civil Liberties
8 Oversight Board established under section 211, issue guide-
9 lines that—

10 (A) protect privacy and civil liberties in the devel-
11 opment and use of the Network; and

12 (B) shall be made public, unless, and only to the
13 extent that, nondisclosure is clearly necessary to pro-
14 tect national security; and

15 (3) require the heads of Federal departments and
16 agencies to promote a culture of information sharing by—

17 (A) reducing disincentives to information sharing,
18 including overclassification of information and unneces-
19 sary requirements for originator approval; and

20 (B) providing affirmative incentives for informa-
21 tion sharing, such as the incorporation of information
22 sharing performance measures into agency and mana-
23 gerial evaluations, and employee awards for promoting
24 innovative information sharing practices.

25 (f) ENTERPRISE ARCHITECTURE AND IMPLEMENTATION
26 PLAN.—Not later than 270 days after the date of the enact-
27 ment of this Act, the Director of Management and Budget shall
28 submit to the President and to Congress an enterprise architec-
29 ture and implementation plan for the Network. The enterprise
30 architecture and implementation plan shall be prepared by the
31 Director of Management and Budget, in consultation with the
32 Executive Council, and shall include—

33 (1) a description of the parameters of the proposed
34 Network, including functions, capabilities, and resources;

35 (2) a delineation of the roles of the Federal depart-
36 ments and agencies that will participate in the development
37 of the Network, including identification of any agency that

1 will build the infrastructure needed to operate and manage
2 the Network (as distinct from the individual agency compo-
3 nents that are to be part of the Network), with the delineation
4 of roles to be consistent with—

5 (A) the authority of the National Intelligence Di-
6 rector under this Act to set standards for information
7 sharing and information technology throughout the in-
8 telligence community; and

9 (B) the authority of the Secretary of Homeland
10 Security and the role of the Department of Homeland
11 Security in coordinating with State, tribal, and local of-
12 ficials and the private sector;

13 (3) a description of the technological requirements to
14 appropriately link and enhance existing networks and a de-
15 scription of the system design that will meet these require-
16 ments;

17 (4) an enterprise architecture that—

18 (A) is consistent with applicable laws and guidance
19 with regard to planning, design, acquisition, operation,
20 and management of information systems;

21 (B) will be used to guide and define the develop-
22 ment and implementation of the Network; and

23 (C) addresses the existing and planned enterprise
24 architectures of the departments and agencies partici-
25 pating in the Network;

26 (5) a description of how privacy and civil liberties will
27 be protected throughout the design and implementation of
28 the Network;

29 (6) objective, systemwide performance measures to en-
30 able the assessment of progress toward achieving full imple-
31 mentation of the Network;

32 (7) a plan, including a time line, for the development
33 and phased implementation of the Network;

34 (8) total budget requirements to develop and imple-
35 ment the Network, including the estimated annual cost for
36 each of the 5 years following the date of the enactment of
37 this Act; and

1 (9) proposals for any legislation that the Director of
2 Management and Budget determines necessary to imple-
3 ment the Network.

4 (g) DIRECTOR OF MANAGEMENT AND BUDGET RESPON-
5 SIBLE FOR INFORMATION SHARING ACROSS THE FEDERAL
6 GOVERNMENT.—

7 (1) ADDITIONAL DUTIES AND RESPONSIBILITIES.—

8 (A) IN GENERAL.—The Director of Management
9 and Budget, in consultation with the Executive Coun-
10 cil, shall—

11 (i) implement and manage the Network;

12 (ii) develop and implement policies, proce-
13 dures, guidelines, rules, and standards as appro-
14 priate to foster the development and proper oper-
15 ation of the Network; and

16 (iii) assist, monitor, and assess the implemen-
17 tation of the Network by Federal departments and
18 agencies to ensure adequate progress, technological
19 consistency and policy compliance; and regularly re-
20 port the findings to the President and to Congress.

21 (B) CONTENT OF POLICIES, PROCEDURES, GUIDE-
22 LINES, RULES, AND STANDARDS.—The policies, proce-
23 dures, guidelines, rules, and standards under subpara-
24 graph (A)(ii) shall—

25 (i) take into account the varying missions and
26 security requirements of agencies participating in
27 the Network;

28 (ii) address development, implementation, and
29 oversight of technical standards and requirements;

30 (iii) address and facilitate information sharing
31 between and among departments and agencies of
32 the intelligence community, the Department of De-
33 fense, the Homeland Security community and the
34 law enforcement community;

35 (iv) address and facilitate information sharing
36 between Federal departments and agencies and
37 State, tribal and local governments;

(v) address and facilitate, as appropriate, information sharing between Federal departments and agencies and the private sector;

(vi) address and facilitate, as appropriate, information sharing between Federal departments and agencies with foreign partners and allies; and

(vii) ensure the protection of privacy and civil liberties.

(2) APPOINTMENT OF PRINCIPAL OFFICER.—Not later than 30 days after the date of the enactment of this Act, the Director of Management and Budget shall appoint, with approval of the President, a principal officer in the Office of Management and Budget whose primary responsibility shall be to carry out the day-to-day duties of the Director specified in this section. The officer shall report directly to the Director of Management and Budget, have the rank of a Deputy Director and shall be paid at the rate of pay payable for a position at level III of the Executive Schedule under section 5314 of title 5, United States Code.

(h) EXECUTIVE COUNCIL ON INFORMATION SHARING.—

(1) ESTABLISHMENT.—There is established an Executive Council on Information Sharing that shall assist the Director of Management and Budget in the execution of the Director's duties under this Act concerning information sharing.

(2) MEMBERSHIP.—The members of the Executive Council shall be—

(A) the Director of Management and Budget, who shall serve as Chairman of the Executive Council;

(B) the Secretary of Homeland Security or his designee;

(C) the Secretary of Defense or his designee;

(D) the Attorney General or his designee;

(E) the Secretary of State or his designee;

(F) the Director of the Federal Bureau of Investigation or his designee;

1 (G) the National Intelligence Director or his des-
2 ignee;

3 (H) such other Federal officials as the President
4 shall designate;

5 (I) representatives of State, tribal, and local gov-
6 ernments, to be appointed by the President; and

7 (J) individuals who are employed in private busi-
8 nesses or nonprofit organizations that own or operate
9 critical infrastructure, to be appointed by the Presi-
10 dent.

11 (3) RESPONSIBILITIES.—The Executive Council shall
12 assist the Director of Management and Budget in—

13 (A) implementing and managing the Network;

14 (B) developing policies, procedures, guidelines,
15 rules, and standards necessary to establish and imple-
16 ment the Network;

17 (C) ensuring there is coordination among depart-
18 ments and agencies participating in the Network in the
19 development and implementation of the Network;

20 (D) reviewing, on an ongoing basis, policies, proce-
21 dures, guidelines, rules, and standards related to the
22 implementation of the Network;

23 (E) establishing a dispute resolution process to re-
24 solve disagreements among departments and agencies
25 about whether particular information should be shared
26 and in what manner; and

27 (F) considering such reports as are submitted by
28 the Advisory Board on Information Sharing under sub-
29 section (i)(2).

30 (4) INAPPLICABILITY OF FEDERAL ADVISORY COM-
31 MITTEE ACT.—The Council shall not be subject to the re-
32 quirements of the Federal Advisory Committee Act (5
33 U.S.C. App.).

34 (5) REPORTS.—Not later than 1 year after the date
35 of the enactment of this Act, and annually thereafter, the
36 Director of Management and Budget, in the capacity of

1 Chair of the Executive Council, shall submit a report to the
2 President and to Congress that shall include—

3 (A) a description of the activities and accomplish-
4 ments of the Council in the preceding year; and

5 (B) the number and dates of the meetings held by
6 the Council and a list of attendees at each meeting.

7 (6) INFORMING THE PUBLIC.—The Executive Council
8 shall—

9 (A) make its reports to Congress available to the
10 public to the greatest extent that is consistent with the
11 protection of classified information and applicable law;
12 and

13 (B) otherwise inform the public of its activities, as
14 appropriate and in a manner consistent with the pro-
15 tection of classified information and applicable law.

16 (i) ADVISORY BOARD ON INFORMATION SHARING.—

17 (1) ESTABLISHMENT.—There is established an Advi-
18 sory Board on Information Sharing to advise the President
19 and the Executive Council on policy, technical, and man-
20 agement issues related to the design and operation of the
21 Network.

22 (2) RESPONSIBILITIES.—The Advisory Board shall ad-
23 vise the Executive Council on policy, technical, and man-
24 agement issues related to the design and operation of the
25 Network. At the request of the Executive Council, or the
26 Director of Management and Budget in the capacity as
27 Chair of the Executive Council, or on its own initiative, the
28 Advisory Board shall submit reports to the Executive
29 Council concerning the findings and recommendations of
30 the Advisory Board regarding the design and operation of
31 the Network.

32 (3) MEMBERSHIP AND QUALIFICATIONS.—The Advi-
33 sory Board shall be composed of no more than 15 mem-
34 bers, to be appointed by the President from outside the
35 Federal Government. The members of the Advisory Board
36 shall have significant experience or expertise in policy, tech-
37 nical and operational matters, including issues of security,

1 privacy, or civil liberties, and shall be selected solely on the
2 basis of their professional qualifications, achievements, pub-
3 lic stature and relevant experience.

4 (4) CHAIR.—The President shall designate one of the
5 members of the Advisory Board to act as chair of the Advi-
6 sory Board.

7 (5) ADMINISTRATIVE SUPPORT.—The Office of Man-
8 agement and Budget shall provide administrative support
9 for the Advisory Board.

10 (j) REPORTS.—

11 (1) IN GENERAL.—Not later than 1 year after the
12 date of the enactment of this Act, and semiannually there-
13 after, the President through the Director of Management
14 and Budget shall submit a report to Congress on the state
15 of the Network and of information sharing across the Fed-
16 eral Government.

17 (2) CONTENT.—Each report under this subsection
18 shall include—

19 (A) a progress report on the extent to which the
20 Network has been implemented, including how the Net-
21 work has fared on the government-wide and agency-
22 specific performance measures and whether the per-
23 formance goals set in the preceding year have been
24 met;

25 (B) objective systemwide performance goals for
26 the following year;

27 (C) an accounting of how much was spent on the
28 Network in the preceding year;

29 (D) actions taken to ensure that agencies procure
30 new technology that is consistent with the Network and
31 information on whether new systems and technology
32 are consistent with the Network;

33 (E) the extent to which, in appropriate cir-
34 cumstances, all terrorism watch lists are available for
35 combined searching in real time through the Network
36 and whether there are consistent standards for placing
37 individuals on, and removing individuals from, the

1 watch lists, including the availability of processes for
2 correcting errors;

3 (F) the extent to which unnecessary roadblocks,
4 impediments, or disincentives to information sharing,
5 including the inappropriate use of paper-only intel-
6 ligence products and requirements for originator ap-
7 proval, have been eliminated;

8 (G) the extent to which positive incentives for in-
9 formation sharing have been implemented;

10 (H) the extent to which classified information is
11 also made available through the Network, in whole or
12 in part, in unclassified form;

13 (I) the extent to which State, tribal, and local
14 officials—

15 (i) are participating in the Network;

16 (ii) have systems which have become inte-
17 grated into the Network;

18 (iii) are providing as well as receiving informa-
19 tion; and

20 (iv) are using the Network to communicate
21 with each other;

22 (J) the extent to which—

23 (i) private sector data, including information
24 from owners and operators of critical infrastruc-
25 ture, is incorporated in the Network; and

26 (ii) the private sector is both providing and re-
27 ceiving information;

28 (K) where private sector data has been used by
29 the Government or has been incorporated into the
30 Network—

31 (i) the measures taken to protect sensitive
32 business information; and

33 (ii) where the data involves information about
34 individuals, the measures taken to ensure the accu-
35 racy of such data;

36 (L) the measures taken by the Federal Govern-
37 ment to ensure the accuracy of other information on

1 the Network and, in particular, the accuracy of infor-
2 mation about individuals;

3 (M) an assessment of the Network's privacy and
4 civil liberties protections, including actions taken in the
5 preceding year to implement or enforce privacy and
6 civil liberties protections and a report of complaints re-
7 ceived about interference with an individual's privacy or
8 civil liberties; and

9 (N) an assessment of the security protections of
10 the Network.

11 (k) AGENCY RESPONSIBILITIES.—The head of each de-
12 partment or agency possessing or using intelligence or home-
13 land security information or otherwise participating in the Net-
14 work shall—

15 (1) ensure full department or agency compliance with
16 information sharing policies, procedures, guidelines, rules,
17 and standards established for the Network under sub-
18 sections (c) and (g);

19 (2) ensure the provision of adequate resources for sys-
20 tems and activities supporting operation of and participa-
21 tion in the Network; and

22 (3) ensure full agency or department cooperation in
23 the development of the Network and associated enterprise
24 architecture to implement governmentwide information
25 sharing, and in the management and acquisition of infor-
26 mation technology consistent with applicable law.

27 (l) AGENCY PLANS AND REPORTS.—Each Federal depart-
28 ment or agency that possesses or uses intelligence and home-
29 land security information, operates a system in the Network or
30 otherwise participates, or expects to participate, in the Net-
31 work, shall submit to the Director of Management and
32 Budget—

33 (1) not later than 1 year after the date of the enact-
34 ment of this Act, a report including—

35 (A) a strategic plan for implementation of the
36 Network's requirements within the department or agen-
37 cy;

1 (B) objective performance measures to assess the
2 progress and adequacy of the department or agency's
3 information sharing efforts; and

4 (C) budgetary requirements to integrate the agen-
5 cy into the Network, including projected annual ex-
6 penditures for each of the following 5 years following
7 the submission of the report; and

8 (2) annually thereafter, reports including—

9 (A) an assessment of the progress of the depart-
10 ment or agency in complying with the Network's re-
11 quirements, including how well the agency has per-
12 formed on the objective measures developed under
13 paragraph (1)(B);

14 (B) the agency's expenditures to implement and
15 comply with the Network's requirements in the pre-
16 ceding year; and

17 (C) the agency's or department's plans for further
18 implementation of the Network in the year following
19 the submission of the report.

20 (m) PERIODIC ASSESSMENTS.—

21 (1) COMPTROLLER GENERAL.—

22 (A) IN GENERAL.—Not later than 1 year after the
23 date of the enactment of this Act, and periodically
24 thereafter, the Comptroller General shall evaluate the
25 implementation of the Network, both generally and, at
26 the discretion of the Comptroller General, within spe-
27 cific departments and agencies, to determine the extent
28 of compliance with the Network's requirements and to
29 assess the effectiveness of the Network in improving in-
30 formation sharing and collaboration and in protecting
31 privacy and civil liberties, and shall report to Congress
32 on the findings of the Comptroller General.

33 (B) INFORMATION AVAILABLE TO THE COMP-
34 TROLLER GENERAL.—Upon request by the Comptroller
35 General, information relevant to an evaluation under
36 subsection (a) shall be made available to the Comp-

1 troller General under section 716 of title 31, United
2 States Code.

3 (C) CONSULTATION WITH CONGRESSIONAL COM-
4 MITTEES.—If a record is not made available to the
5 Comptroller General within a reasonable time, before
6 the Comptroller General files a report under section
7 716(b)(1) of title 31, United States Code, the Comp-
8 troller General shall consult with the Select Committee
9 on Intelligence of the Senate, the Permanent Select
10 Committee on Intelligence of the House of Representa-
11 tives, the Committee on Governmental Affairs of the
12 Senate, and the Committee on Government Reform of
13 the House of Representatives concerning the Comptrol-
14 ler's intent to file a report.

15 (2) INSPECTORS GENERAL.—The Inspector General in
16 any Federal department or agency that possesses or uses
17 intelligence or homeland security information or that other-
18 wise participates in the Network shall, at the discretion of
19 the Inspector General—

20 (A) conduct audits or investigations to—

21 (i) determine the compliance of that depart-
22 ment or agency with the Network's requirements;
23 and

24 (ii) assess the effectiveness of that department
25 or agency in improving information sharing and
26 collaboration and in protecting privacy and civil lib-
27 erties; and

28 (B) issue reports on such audits and investiga-
29 tions.

30 (n) AUTHORIZATION OF APPROPRIATIONS.—There are au-
31 thorized to be appropriated—

32 (1) \$50,000,000 to the Director of Management and
33 Budget to carry out this section for fiscal year 2005; and

34 (2) such sums as are necessary to carry out this sec-
35 tion in each fiscal year thereafter, to be disbursed and allo-
36 cated in accordance with the Network implementation plan
37 required by subsection (f).

Subtitle B—Privacy and Civil Liberties

SEC. 211. PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

(a) IN GENERAL.—There is established within the Executive Office of the President a Privacy and Civil Liberties Oversight Board (referred to in this subtitle as the “Board”).

(b) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) In conducting the war on terrorism, the Government may need additional powers and may need to enhance the use of its existing powers.

(2) This shift of power and authority to the Government calls for an enhanced system of checks and balances to protect the precious liberties that are vital to our way of life and to ensure that the Government uses its powers for the purposes for which the powers were given.

(c) PURPOSE.—The Board shall—

(1) analyze and review actions the executive branch takes to protect the Nation from terrorism; and

(2) ensure that liberty concerns are appropriately considered in the development and implementation of laws, regulations, and policies related to efforts to protect the Nation against terrorism.

(d) FUNCTIONS.—

(1) ADVICE AND COUNSEL ON POLICY DEVELOPMENT AND IMPLEMENTATION.—The Board shall—

(A) review proposed legislation, regulations, and policies related to efforts to protect the Nation from terrorism, including the development and adoption of information sharing guidelines under section 205(g);

(B) review the implementation of new and existing legislation, regulations, and policies related to efforts to protect the Nation from terrorism, including the imple-

1 mentation of information sharing guidelines under sec-
2 tion 205(g);

3 (C) advise the President and the departments,
4 agencies, and elements of the executive branch to en-
5 sure that privacy and civil liberties are appropriately
6 considered in the development and implementation of
7 such legislation, regulations, policies, and guidelines;
8 and

9 (D) in providing advice on proposals to retain or
10 enhance a particular governmental power, consider
11 whether the department, agency, or element of the ex-
12 ecutive branch has explained—

13 (i) that the power actually materially enhances
14 security;

15 (ii) that there is adequate supervision of the
16 use by the executive branch of the power to ensure
17 protection of privacy and civil liberties; and

18 (iii) that there are adequate guidelines and
19 oversight to properly confine its use.

20 (2) OVERSIGHT.—The Board shall continually
21 review—

22 (A) the regulations, policies, and procedures, and
23 the implementation of the regulations, policies, and
24 procedures, of the departments, agencies, and elements
25 of the executive branch to ensure that privacy and civil
26 liberties are protected;

27 (B) the information sharing practices of the de-
28 partments, agencies, and elements of the executive
29 branch to determine whether they appropriately protect
30 privacy and civil liberties and adhere to the information
31 sharing guidelines prescribed under section 205(g) and
32 to other governing laws, regulations, and policies re-
33 garding privacy and civil liberties; and

34 (C) other actions by the executive branch related
35 to efforts to protect the Nation from terrorism to deter-
36 mine whether such actions—

1 (i) appropriately protect privacy and civil lib-
2 erties; and

3 (ii) are consistent with governing laws, regula-
4 tions, and policies regarding privacy and civil lib-
5 erties.

6 (3) RELATIONSHIP WITH PRIVACY AND CIVIL LIB-
7 ERTIES OFFICERS.—The Board shall—

8 (A) review and assess reports and other informa-
9 tion from privacy officers and civil liberties officers de-
10 scribed in section 212;

11 (B) when appropriate, make recommendations to
12 such privacy officers and civil liberties officers regard-
13 ing their activities; and

14 (C) when appropriate, coordinate the activities of
15 such privacy officers and civil liberties officers on rel-
16 evant interagency matters.

17 (4) TESTIMONY.—The Members of the Board shall ap-
18 pear and testify before Congress upon request.

19 (e) REPORTS.—

20 (1) IN GENERAL.—The Board shall—

21 (A) receive and review reports from privacy offi-
22 cers and civil liberties officers described in section 212;
23 and

24 (B) periodically submit, not less than semiannu-
25 ally, reports—

26 (i)(I) to the appropriate committees of Con-
27 gress, including the Committees on the Judiciary of
28 the Senate and the House of Representatives, the
29 Committee on Governmental Affairs of the Senate,
30 the Committee on Government Reform of the
31 House of Representatives, the Select Committee on
32 Intelligence of the Senate, and the Permanent Se-
33 lect Committee on Intelligence of the House of
34 Representatives; and

35 (II) to the President; and

1 (ii) which shall be in unclassified form to the
2 greatest extent possible, with a classified annex
3 where necessary.

4 (2) CONTENTS.—Not less than 2 reports submitted
5 each year under paragraph (1)(B) shall include—

6 (A) a description of the major activities of the
7 Board during the preceding period; and

8 (B) information on the findings, conclusions, and
9 recommendations of the Board resulting from its advice
10 and oversight functions under subsection (d).

11 (f) INFORMING THE PUBLIC.—The Board shall—

12 (1) make its reports, including its reports to Congress,
13 available to the public to the greatest extent that is con-
14 sistent with the protection of classified information and ap-
15 plicable law; and

16 (2) hold public hearings and otherwise inform the pub-
17 lic of its activities, as appropriate and in a manner con-
18 sistent with the protection of classified information and ap-
19 plicable law.

20 (g) ACCESS TO INFORMATION.—

21 (1) AUTHORIZATION.—If determined by the Board to
22 be necessary to carry out its responsibilities under this sec-
23 tion, the Board is authorized to—

24 (A) have access from any department, agency, or
25 element of the executive branch, or any Federal officer
26 or employee, to all relevant records, reports, audits, re-
27 views, documents, papers, recommendations, or other
28 relevant material, including classified information con-
29 sistent with applicable law;

30 (B) interview, take statements from, or take public
31 testimony from personnel of any department, agency,
32 or element of the executive branch, or any Federal offi-
33 cer or employee;

34 (C) request information or assistance from any
35 State, tribal, or local government; and

36 (D) require, by subpoena issued at the direction of
37 a majority of the members of the Board, persons (other

1 than departments, agencies, and elements of the execu-
2 tive branch) to produce any relevant information, docu-
3 ments, reports, answers, records, accounts, papers, and
4 other documentary or testimonial evidence.

5 (2) ENFORCEMENT OF SUBPOENA.—In the case of
6 contumacy or failure to obey a subpoena issued under para-
7 graph (1)(D), the United States district court for the judi-
8 cial district in which the subpoenaed person resides, is
9 served, or may be found may issue an order requiring such
10 person to produce the evidence required by such subpoena.

11 (3) AGENCY COOPERATION.—Whenever information or
12 assistance requested under subparagraph (A) or (B) of
13 paragraph (1) is, in the judgment of the Board, unreason-
14 ably refused or not provided, the Board shall report the cir-
15 cumstances to the head of the department, agency, or ele-
16 ment concerned without delay. The head of the department,
17 agency, or element concerned shall ensure that the Board
18 is given access to the information, assistance, material, or
19 personnel the Board determines to be necessary to carry
20 out its functions.

21 (h) MEMBERSHIP.—

22 (1) MEMBERS.—The Board shall be composed of a
23 full-time chairman and 4 additional members, who shall be
24 appointed by the President, by and with the advice and
25 consent of the Senate.

26 (2) QUALIFICATIONS.—Members of the Board shall be
27 selected solely on the basis of their professional qualifica-
28 tions, achievements, public stature, expertise in civil lib-
29 erties and privacy, and relevant experience, and without re-
30 gard to political affiliation, but in no event shall more than
31 3 members of the Board be members of the same political
32 party.

33 (3) INCOMPATIBLE OFFICE.—An individual appointed
34 to the Board may not, while serving on the Board, be an
35 elected official, officer, or employee of the Federal Govern-
36 ment, other than in the capacity as a member of the
37 Board.

1 (4) TERM.—Each member of the Board shall serve a
2 term of six years, except that—

3 (A) a member appointed to a term of office after
4 the commencement of such term may serve under such
5 appointment only for the remainder of such term;

6 (B) upon the expiration of the term of office of a
7 member, the member shall continue to serve until the
8 member's successor has been appointed and qualified,
9 except that no member may serve under this
10 subparagraph—

11 (i) for more than 60 days when Congress is in
12 session unless a nomination to fill the vacancy shall
13 have been submitted to the Senate; or

14 (ii) after the adjournment sine die of the ses-
15 sion of the Senate in which such nomination is sub-
16 mitted; and

17 (C) the members initially appointed under this
18 subsection shall serve terms of two, three, four, five,
19 and six years, respectively, from the effective date of
20 this Act, with the term of each such member to be des-
21 ignated by the President.

22 (5) QUORUM AND MEETINGS.—After its initial meet-
23 ing, the Board shall meet upon the call of the chairman or
24 a majority of its members. Three members of the Board
25 shall constitute a quorum.

26 (i) COMPENSATION AND TRAVEL EXPENSES.—

27 (1) COMPENSATION.—

28 (A) CHAIRMAN.—The chairman shall be com-
29 pensated at the rate of pay payable for a position at
30 level III of the Executive Schedule under section 5314
31 of title 5, United States Code.

32 (B) MEMBERS.—Each member of the Board shall
33 be compensated at a rate of pay payable for a position
34 at level IV of the Executive Schedule under section
35 5315 of title 5, United States Code, for each day dur-
36 ing which that member is engaged in the actual per-
37 formance of the duties of the Board.

1 (2) TRAVEL EXPENSES.—Members of the Board shall
2 be allowed travel expenses, including per diem in lieu of
3 subsistence, at rates authorized for persons employed inter-
4 mittently by the Government under section 5703(b) of title
5 5, United States Code, while away from their homes or reg-
6 ular places of business in the performance of services for
7 the Board.

8 (j) STAFF.—

9 (1) APPOINTMENT AND COMPENSATION.—The Chair-
10 man, in accordance with rules agreed upon by the Board,
11 shall appoint and fix the compensation of a full-time execu-
12 tive director and such other personnel as may be necessary
13 to enable the Board to carry out its functions, without re-
14 gard to the provisions of title 5, United States Code, gov-
15 erning appointments in the competitive service, and without
16 regard to the provisions of chapter 51 and subchapter III
17 of chapter 53 of such title relating to classification and
18 General Schedule pay rates, except that no rate of pay
19 fixed under this subsection may exceed the equivalent of
20 that payable for a position at level V of the Executive
21 Schedule under section 5316 of title 5, United States Code.

22 (2) DETAILEES.—Any Federal employee may be de-
23 tailed to the Board without reimbursement from the Board,
24 and such detailee shall retain the rights, status, and privi-
25 leges of the detailee's regular employment without interrup-
26 tion.

27 (3) CONSULTANT SERVICES.—The Board may procure
28 the temporary or intermittent services of experts and con-
29 sultants in accordance with section 3109 of title 5, United
30 States Code, at rates that do not exceed the daily rate paid
31 a person occupying a position at level IV of the Executive
32 Schedule under section 5315 of such title.

33 (k) SECURITY CLEARANCES.—The appropriate depart-
34 ments, agencies, and elements of the executive branch shall co-
35 operate with the Board to expeditiously provide the Board
36 members and staff with appropriate security clearances to the
37 extent possible under existing procedures and requirements.

1 (1) TREATMENT AS AGENCY, NOT AS ADVISORY COM-
2 MITTEE.—The Board—

3 (1) is an agency (as defined in section 551(1) of title
4 5, United States Code); and

5 (2) is not an advisory committee (as defined in section
6 3(2) of the Federal Advisory Committee Act (5 U.S.C.
7 App.)).

8 **SEC. 212. PRIVACY AND CIVIL LIBERTIES OFFICERS.**

9 (a) DESIGNATION AND FUNCTIONS.—The Attorney Gen-
10 eral, the Secretary of Defense, the Secretary of State, the Sec-
11 retary of the Treasury, the Secretary of Health and Human
12 Services, the Secretary of Homeland Security, the National In-
13 telligence Director, the Director of the Central Intelligence
14 Agency, and the head of any other department, agency, or ele-
15 ment of the executive branch designated by the Privacy and
16 Civil Liberties Oversight Board to be appropriate for coverage
17 under this section shall designate not less than 1 senior officer
18 to—

19 (1) assist the head of such department, agency, or ele-
20 ment and other officials of such department, agency, or ele-
21 ment in appropriately considering privacy and civil liberties
22 concerns when such officials are proposing, developing, or
23 implementing laws, regulations, policies, procedures, or
24 guidelines related to efforts to protect the Nation against
25 terrorism;

26 (2) periodically investigate and review department,
27 agency, or element actions, policies, procedures, guidelines,
28 and related laws and their implementation to ensure that
29 such department, agency, or element is adequately consid-
30 ering privacy and civil liberties in its actions;

31 (3) ensure that such department, agency, or element
32 has adequate procedures to receive, investigate, respond to,
33 and redress complaints from individuals who allege such
34 department, agency, or element has violated their privacy
35 or civil liberties; and

36 (4) in providing advice on proposals to retain or en-
37 hance a particular governmental power the officer shall

1 consider whether such department, agency, or element has
2 explained—

3 (i) that the power actually materially enhances
4 security;

5 (ii) that there is adequate supervision of the
6 use by such department, agency, or element of the
7 power to ensure protection of privacy and civil lib-
8 erties; and

9 (iii) that there are adequate guidelines and
10 oversight to properly confine its use.

11 (b) EXCEPTION TO DESIGNATION AUTHORITY.—

12 (1) PRIVACY OFFICERS.—In any department, agency,
13 or element referred to in subsection (a) or designated by
14 the Board, which has a statutorily created privacy officer,
15 such officer shall perform the functions specified in sub-
16 section (a) with respect to privacy.

17 (2) CIVIL LIBERTIES OFFICERS.—In any department,
18 agency, or element referred to in subsection (a) or des-
19 ignated by the Board, which has a statutorily created civil
20 liberties officer, such officer shall perform the functions
21 specified in subsection (a) with respect to civil liberties.

22 (c) SUPERVISION AND COORDINATION.—Each privacy offi-
23 cer or civil liberties officer described in subsection (a) or (b)
24 shall—

25 (1) report directly to the head of the department,
26 agency, or element concerned; and

27 (2) coordinate their activities with the Inspector Gen-
28 eral of such department, agency, or element to avoid dupli-
29 cation of effort.

30 (d) AGENCY COOPERATION.—The head of each depart-
31 ment, agency, or element shall ensure that each privacy officer
32 and civil liberties officer—

33 (1) has the information, material, and resources nec-
34 essary to fulfill the functions of such officer;

35 (2) is advised of proposed policy changes;

36 (3) is consulted by decision makers; and

1 (4) is given access to material and personnel the offi-
2 cer determines to be necessary to carry out the functions
3 of such officer.

4 (e) REPRISAL FOR MAKING COMPLAINT.—No action con-
5 stituting a reprisal, or threat of reprisal, for making a com-
6 plaint or for disclosing information to a privacy officer or civil
7 liberties officer described in subsection (a) or (b), or to the Pri-
8 vacy and Civil Liberties Oversight Board, that indicates a pos-
9 sible violation of privacy protections or civil liberties in the ad-
10 ministration of the programs and operations of the Federal
11 Government relating to efforts to protect the Nation from ter-
12 rorism shall be taken by any Federal employee in a position to
13 take such action, unless the complaint was made or the infor-
14 mation was disclosed with the knowledge that it was false or
15 with willful disregard for its truth or falsity.

16 (f) PERIODIC REPORTS.—

17 (1) IN GENERAL.—The privacy officers and civil lib-
18 erties officers of each department, agency, or element re-
19 ferred to or described in subsection (a) or (b) shall periodi-
20 cally, but not less than quarterly, submit a report on the
21 activities of such officers—

22 (A)(i) to the appropriate committees of Congress,
23 including the Committees on the Judiciary of the Sen-
24 ate and the House of Representatives, the Committee
25 on Governmental Affairs of the Senate, the Committee
26 on Government Reform of the House of Representa-
27 tives, the Select Committee on Intelligence of the Sen-
28 ate, and the Permanent Select Committee on Intel-
29 ligence of the House of Representatives;

30 (ii) to the head of such department, agency, or ele-
31 ment; and

32 (iii) to the Privacy and Civil Liberties Oversight
33 Board; and

34 (B) which shall be in unclassified form to the
35 greatest extent possible, with a classified annex where
36 necessary.

1 (2) CONTENTS.—Each report submitted under para-
2 graph (1) shall include information on the discharge of
3 each of the functions of the officer concerned, including—

4 (A) information on the number and types of re-
5 views undertaken;

6 (B) the type of advice provided and the response
7 given to such advice;

8 (C) the number and nature of the complaints re-
9 ceived by the department, agency, or element concerned
10 for alleged violations; and

11 (D) a summary of the disposition of such com-
12 plaints, the reviews and inquiries conducted, and the
13 impact of the activities of such officer.

14 (g) INFORMING THE PUBLIC.—Each privacy officer and
15 civil liberties officer shall—

16 (1) make the reports of such officer, including reports
17 to Congress, available to the public to the greatest extent
18 that is consistent with the protection of classified informa-
19 tion and applicable law; and

20 (2) otherwise inform the public of the activities of such
21 officer, as appropriate and in a manner consistent with the
22 protection of classified information and applicable law.

23 (h) SAVINGS CLAUSE.—Nothing in this section shall be
24 construed to limit or otherwise supplant any other authorities
25 or responsibilities provided by law to privacy officers or civil lib-
26 erties officers.

27 **Subtitle C—Independence of** 28 **Intelligence Agencies**

29 **SEC. 221. INDEPENDENCE OF NATIONAL INTELLIGENCE** 30 **DIRECTOR.**

31 (a) LOCATION OUTSIDE EXECUTIVE OFFICE OF THE
32 PRESIDENT.—The National Intelligence Director shall not be
33 located within the Executive Office of the President.

34 (b) PROVISION OF NATIONAL INTELLIGENCE.—The Na-
35 tional Intelligence Director shall provide to the President and
36 Congress national intelligence that is timely, objective, and

1 independent of political considerations, and has not been
2 shaped to serve policy goals.

3 **SEC. 222. INDEPENDENCE OF INTELLIGENCE.**

4 (a) DIRECTOR OF NATIONAL COUNTERTERRORISM CEN-
5 TER.—The Director of the National Counterterrorism Center
6 shall provide to the President, Congress, and the National In-
7 telligence Director national intelligence related to
8 counterterrorism that is timely, objective, and independent of
9 political considerations, and has not been shaped to serve policy
10 goals.

11 (b) DIRECTORS OF NATIONAL INTELLIGENCE CENTERS.—
12 Each Director of a national intelligence center established
13 under section 144 shall provide to the President, Congress, and
14 the National Intelligence Director intelligence information that
15 is timely, objective, and independent of political considerations,
16 and has not been shaped to serve policy goals.

17 (c) DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—
18 The Director of the Central Intelligence Agency shall ensure
19 that intelligence produced by the Central Intelligence Agency is
20 objective and independent of political considerations, and has
21 not been shaped to serve policy goals.

22 (d) NATIONAL INTELLIGENCE COUNCIL.—The National
23 Intelligence Council shall produce national intelligence esti-
24 mates for the United States Government that are timely, objec-
25 tive, and independent of political considerations, and have not
26 been shaped to serve policy goals.

27 **SEC. 223. INDEPENDENCE OF NATIONAL**
28 **COUNTERTERRORISM CENTER.**

29 No officer, department, agency, or element of the executive
30 branch shall have any authority to require the Director of the
31 National Counterterrorism Center—

32 (1) to receive permission to testify before Congress; or

33 (2) to submit testimony, legislative recommendations,
34 or comments to any officer or agency of the United States
35 for approval, comments, or review prior to the submission
36 of such recommendations, testimony, or comments to Con-
37 gress if such recommendations, testimony, or comments in-

1 clude a statement indicating that the views expressed there-
2 in are those of the agency submitting them and do not nec-
3 essarily represent the views of the Administration.

4 **SEC. 224. ACCESS OF CONGRESSIONAL COMMITTEES TO**
5 **NATIONAL INTELLIGENCE.**

6 (a) DOCUMENTS REQUIRED TO BE PROVIDED TO CON-
7 GRESSIONAL COMMITTEES.—The National Intelligence Direc-
8 tor, the Director of the National Counterterrorism Center, and
9 the Director of a national intelligence center shall provide to
10 the Select Committee on Intelligence of the Senate, the Perma-
11 nent Select Committee on Intelligence of the House of Rep-
12 resentatives, and any other committee of Congress with juris-
13 diction over the subject matter to which the information re-
14 lates, all intelligence assessments, intelligence estimates, sense
15 of intelligence community memoranda, and daily senior execu-
16 tive intelligence briefs, other than the Presidential Daily Brief
17 and those reports prepared exclusively for the President.

18 (b) RESPONSE TO REQUESTS FROM CONGRESS RE-
19 QUIRED.—

20 (1) IN GENERAL.—Except as provided in paragraph
21 (2), in addition to providing material under subsection (a),
22 the National Intelligence Director, the Director of the Na-
23 tional Counterterrorism Center, or the Director of a na-
24 tional intelligence center shall, not later than 15 days after
25 receiving a request for any intelligence assessment, report,
26 or estimate or other intelligence information from the Se-
27 lect Committee on Intelligence of the Senate, the Perma-
28 nent Select Committee on Intelligence of the House of Rep-
29 resentatives, or any other committee of Congress with juris-
30 diction over the subject matter to which the information re-
31 lates, make available to such committee such intelligence
32 assessment, report, or estimate or other intelligence infor-
33 mation.

34 (2) CERTAIN MEMBERS.—In addition to requests de-
35 scribed in paragraph (1), the National Intelligence Director
36 shall respond to requests from the Chairman and Vice
37 Chairman of the Select Committee on Intelligence of the

1 Senate and the Chairman and Ranking Member of the Per-
2 manent Select Committee on Intelligence of the House of
3 Representatives. Upon making a request covered by this
4 paragraph, the Chairman, Vice Chairman, or Ranking
5 Member, as the case may be, of such committee shall notify
6 the other of the Chairman, Vice Chairman, or Ranking
7 Member, as the case may be, of such committee of such re-
8 quest.

9 (3) ASSERTIONS OF PRIVILEGE.—In response to re-
10 quests described under paragraph (1) or (2), the National
11 Intelligence Director, the Director of the National
12 Counterterrorism Center, or the Director of a national in-
13 telligence center shall provide information, unless the Presi-
14 dent certifies that such information is not being provided
15 because the President is asserting a privilege pursuant to
16 the United States Constitution.

17 **SEC. 225. COMMUNICATIONS WITH CONGRESS.**

18 (a) DISCLOSURE OF CERTAIN INFORMATION AUTHOR-
19 IZED.—

20 (1) IN GENERAL.—Employees of covered agencies and
21 employees of contractors carrying out activities under clas-
22 sified contracts with covered agencies may disclose informa-
23 tion described in paragraph (2) to the individuals referred
24 to in paragraph (3) without first reporting such informa-
25 tion to the appropriate Inspector General.

26 (2) COVERED INFORMATION.—Paragraph (1) applies
27 to information, including classified information, that an
28 employee reasonably believes provides direct and specific
29 evidence of a false or inaccurate statement to Congress
30 contained in, or withheld from Congress, any intelligence
31 information material to, any intelligence assessment, re-
32 port, or estimate, but does not apply to information the dis-
33 closure of which is prohibited by rule 6(e) of the Federal
34 Rules of Criminal Procedure.

35 (3) COVERED INDIVIDUALS.—

36 (A) IN GENERAL.—The individuals to whom infor-
37 mation in paragraph (2) may be disclosed are—

1 (i) a Member of a committee of Congress hav-
2 ing primary responsibility for oversight of a depart-
3 ment, agency, or element of the United States Gov-
4 ernment to which the disclosed information relates
5 and who is authorized to receive information of the
6 type disclosed;

7 (ii) any other Member of Congress who is au-
8 thorized to receive information of the type dis-
9 closed; and

10 (iii) an employee of Congress who has the ap-
11 propriate security clearance and is authorized to re-
12 ceive information of the type disclosed.

13 (B) PRESUMPTION OF NEED FOR INFORMATION.—

14 An individual described in subparagraph (A) to whom
15 information is disclosed under paragraph (2) shall be
16 presumed to have a need to know such information.

17 (b) CONSTRUCTION WITH OTHER REPORTING REQUIRE-
18 MENTS.—Nothing in this section may be construed to modify,
19 alter, or otherwise affect—

20 (1) any reporting requirement relating to intelligence
21 activities that arises under this Act, the National Security
22 Act of 1947 (50 U.S.C. 401 et seq.), or any other provision
23 of law; or

24 (2) the right of any employee of the United States
25 Government to disclose to Congress in accordance with ap-
26 plicable law information not described in this section.

27 (c) COVERED AGENCIES DEFINED.—In this section, the
28 term “covered agencies” means the following:

29 (1) The National Intelligence Authority, including the
30 National Counterterrorism Center.

31 (2) The Central Intelligence Agency.

32 (3) The Defense Intelligence Agency.

33 (4) The National Geospatial-Intelligence Agency.

34 (5) The National Security Agency.

35 (6) The Federal Bureau of Investigation.

36 (7) Any other Executive agency, or element or unit
37 thereof, determined by the President under section

1 2302(a)(2)(C)(ii) of title 5, United States Code, to have as
2 its principal function the conduct of foreign intelligence or
3 counterintelligence activities.

4 **TITLE III—MODIFICATIONS OF**
5 **LAWS RELATING TO INTEL-**
6 **LIGENCE COMMUNITY MANAGE-**
7 **MENT**

8 **Subtitle A—Conforming and Other**
9 **Amendments**

10 **SEC. 301. RESTATEMENT AND MODIFICATION OF BASIC**
11 **AUTHORITY ON THE CENTRAL INTEL-**
12 **LIGENCE AGENCY.**

13 (a) IN GENERAL.—Title I of the National Security Act of
14 1947 (50 U.S.C. 402 et seq.) is amended by striking sections
15 102 through 104 and inserting the following new sections:

16 “CENTRAL INTELLIGENCE AGENCY

17 “SEC. 102. (a) CENTRAL INTELLIGENCE AGENCY.—There
18 is a Central Intelligence Agency.

19 “(b) FUNCTION.—The function of the Central Intelligence
20 Agency is to assist the Director of the Central Intelligence
21 Agency in carrying out the responsibilities specified in section
22 103(d).

23 “DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

24 “SEC. 103. (a) DIRECTOR OF CENTRAL INTELLIGENCE
25 AGENCY.—There is a Director of the Central Intelligence Agen-
26 cy who shall be appointed by the President, by and with the
27 advice and consent of the Senate.

28 “(b) SUPERVISION.—The Director of the Central Intel-
29 ligence Agency shall report to the National Intelligence Direc-
30 tor regarding the activities of the Director of the Central Intel-
31 ligence Agency.

32 “(c) DUTIES.—The Director of the Central Intelligence
33 Agency shall—

34 “(1) serve as the head of the Central Intelligence
35 Agency; and

36 “(2) carry out the responsibilities specified in sub-
37 section (d).

1 “(d) RESPONSIBILITIES.—The Director of the Central In-
2 telligence Agency shall—

3 “(1) collect intelligence through human sources and by
4 other appropriate means, except that the Director of the
5 Central Intelligence Agency shall have no police, subpoena,
6 or law enforcement powers or internal security functions;

7 “(2) correlate and evaluate intelligence related to the
8 national security and provide appropriate dissemination of
9 such intelligence;

10 “(3) provide overall direction for and coordination of
11 the collection of national intelligence outside the United
12 States through human sources by elements of the intel-
13 ligence community authorized to undertake such collection
14 and, in coordination with other departments, agencies, or
15 elements of the United States Government which are au-
16 thorized to undertake such collection, ensure that the most
17 effective use is made of resources and that appropriate ac-
18 count is taken of the risks to the United States and those
19 involved in such collection; and

20 “(4) perform such other functions and duties per-
21 taining to intelligence relating to the national security as
22 the President or the National Intelligence Director may di-
23 rect.

24 “(e) TERMINATION OF EMPLOYMENT OF CIA EMPLOY-
25 EES.—(1) Notwithstanding the provisions of any other law, the
26 Director of the Central Intelligence Agency may, in the discre-
27 tion of the Director, terminate the employment of any officer
28 or employee of the Central Intelligence Agency whenever the
29 Director considers the termination of employment of such offi-
30 cer or employee necessary or advisable in the interests of the
31 United States.

32 “(2) Any termination of employment of an officer or em-
33 ployee under paragraph (1) shall not affect the right of the of-
34 ficer or employee to seek or accept employment in any other
35 department, agency, or element of the United States Govern-
36 ment if declared eligible for such employment by the Office of
37 Personnel Management.

1 “(f) COORDINATION WITH FOREIGN GOVERNMENTS.—
2 Under the direction of the National Intelligence Director and
3 in a manner consistent with section 207 of the Foreign Service
4 Act of 1980 (22 U.S.C. 3927), the Director of the Central In-
5 telligence Agency shall coordinate the relationships between ele-
6 ments of the intelligence community and the intelligence or se-
7 curity services of foreign governments on all matters involving
8 intelligence related to the national security or involving intel-
9 ligence acquired through clandestine means.”.

10 (b) TRANSFORMATION OF CENTRAL INTELLIGENCE AGEN-
11 CY.—The Director of the Central Intelligence Agency shall, in
12 accordance with standards developed by the Director in con-
13 sultation with the National Intelligence Director—

14 (1) enhance the analytic, human intelligence, and
15 other capabilities of the Central Intelligence Agency;

16 (2) develop and maintain an effective language pro-
17 gram within the Agency;

18 (3) emphasize the hiring of personnel of diverse back-
19 grounds for purposes of improving the capabilities of the
20 Agency;

21 (4) establish and maintain effective relationships be-
22 tween human intelligence and signals intelligence within the
23 Agency at the operational level; and

24 (5) achieve a more effective balance within the Agency
25 with respect to unilateral operations and liaison operations.

26 (c) REPORTS.—(1) Not later than 180 days after the ef-
27 fective date of this section, and annually thereafter, the Direc-
28 tor of the Central Intelligence Agency shall submit to the Na-
29 tional Intelligence Director and the congressional intelligence
30 committees a report setting forth the following:

31 (A) A strategy for improving the conduct of analysis
32 (including strategic analysis) by the Central Intelligence
33 Agency, and the progress of the Agency in implementing
34 the strategy.

35 (B) A strategy for improving the human intelligence
36 and other capabilities of the Agency, and the progress of
37 the Agency in implementing the strategy, including—

(i) the recruitment, training, equipping, and deployment of personnel required to address the current and projected threats to the national security of the United States during each of the 2-year, 5-year, and 10-year periods beginning on the date of such report, including personnel with the backgrounds, education, and experience necessary for ensuring a human intelligence capability adequate for such projected threats;

(ii) the achievement of a proper balance between unilateral operations and liaison operations;

(iii) the development of language capabilities (including the achievement of high standards in such capabilities by the use of financial incentives and other mechanisms);

(iv) the sound financial management of the Directorate of Operations; and

(v) the identification of other capabilities required to address the current and projected threats to the national security of the United States during each of the 2-year, 5-year, and 10-year periods beginning on the date of such report.

(C) In conjunction with the Director of the National Security Agency, a strategy for achieving integration between signals and human intelligence capabilities, and the progress in implementing the strategy.

(D) Metrics and milestones for measuring progress in the implementation of each such strategy.

(2)(A) The information in each report under paragraph (1) on the element of the strategy referred to in paragraph (1)(B)(i) shall identify the number and types of personnel required to implement the strategy during each period addressed in such report, include a plan for the recruitment, training, equipping, and deployment of such personnel, and set forth an estimate of the costs of such activities.

(B) If as of the date of a report under paragraph (1), a proper balance does not exist between unilateral operations and

1 liaison operations, such report shall set forth the steps to be
2 taken to achieve such balance.

3 (C) The information in each report under paragraph (1)
4 on the element of the strategy referred to in paragraph
5 (1)(B)(v) shall identify the other capabilities required to imple-
6 ment the strategy during each period addressed in such report,
7 include a plan for developing such capabilities, and set forth an
8 estimate of the costs of such activities.

9 **SEC. 302. CONFORMING AMENDMENTS RELATING TO**
10 **ROLES OF NATIONAL INTELLIGENCE DIREC-**
11 **TOR AND DIRECTOR OF THE CENTRAL IN-**
12 **TELLIGENCE AGENCY.**

13 (a) NATIONAL SECURITY ACT OF 1947.—(1) The National
14 Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by
15 striking “Director of Central Intelligence” each place it appears
16 in the following provisions and inserting “National Intelligence
17 Director”:

- 18 (A) Section 3(5)(B) (50 U.S.C. 401a(5)(B)).
- 19 (B) Section 101(h)(2)(A) (50 U.S.C. 402(h)(2)(A)).
- 20 (C) Section 101(h)(5) (50 U.S.C. 402(h)(5)).
- 21 (D) Section 101(i)(2)(A) (50 U.S.C. 402(i)(2)(A)).
- 22 (E) Section 101(j) (50 U.S.C. 402(j)).
- 23 (F) Section 105(a) (50 U.S.C. 403–5(a)).
- 24 (G) Section 105(b)(6)(A) (50 U.S.C. 403–5(b)(6)(A)).
- 25 (H) Section 105B(a)(1) (50 U.S.C. 403–5b(a)(1)).
- 26 (I) Section 105B(b) (50 U.S.C. 403–5b(b)).
- 27 (J) Section 110(b) (50 U.S.C. 404e(b)).
- 28 (K) Section 110(c) (50 U.S.C. 404e(c)).
- 29 (L) Section 112(a)(1) (50 U.S.C. 404g(a)(1)).
- 30 (M) Section 112(d)(1) (50 U.S.C. 404g(d)(1)).
- 31 (N) Section 113(b)(2)(A) (50 U.S.C. 404h(b)(2)(A)).
- 32 (O) Section 114(a)(1) (50 U.S.C. 404i(a)(1)).
- 33 (P) Section 114(b)(1) (50 U.S.C. 404i(b)(1)).
- 34 (R) Section 115(a)(1) (50 U.S.C. 404j(a)(1)).
- 35 (S) Section 115(b) (50 U.S.C. 404j(b)).
- 36 (T) Section 115(c)(1)(B) (50 U.S.C. 404j(c)(1)(B)).
- 37 (U) Section 116(a) (50 U.S.C. 404k(a)).

- 1 (V) Section 117(a)(1) (50 U.S.C. 404l(a)(1)).
- 2 (W) Section 303(a) (50 U.S.C. 405(a)), both places it
- 3 appears.
- 4 (X) Section 501(d) (50 U.S.C. 413(d)).
- 5 (Y) Section 502(a) (50 U.S.C. 413a(a)).
- 6 (Z) Section 502(c) (50 U.S.C. 413a(c)).
- 7 (AA) Section 503(b) (50 U.S.C. 413b(b)).
- 8 (BB) Section 504(a)(2) (50 U.S.C. 414(a)(2)).
- 9 (CC) Section 504(a)(3)(C) (50 U.S.C. 414(a)(3)(C)).
- 10 (DD) Section 504(d)(2) (50 U.S.C. 414(d)(2)).
- 11 (EE) Section 506A(a)(1) (50 U.S.C. 415a-1(a)(1)).
- 12 (FF) Section 603(a) (50 U.S.C. 423(a)).
- 13 (GG) Section 702(a)(1) (50 U.S.C. 432(a)(1)).
- 14 (HH) Section 702(a)(6)(B)(viii) (50 U.S.C.
- 15 432(a)(6)(B)(viii)).
- 16 (II) Section 702(b)(1) (50 U.S.C. 432(b)(1)), both
- 17 places it appears.
- 18 (JJ) Section 703(a)(1) (50 U.S.C. 432a(a)(1)).
- 19 (KK) Section 703(a)(6)(B)(viii) (50 U.S.C.
- 20 432a(a)(6)(B)(viii)).
- 21 (LL) Section 703(b)(1) (50 U.S.C. 432a(b)(1)), both
- 22 places it appears.
- 23 (MM) Section 704(a)(1) (50 U.S.C. 432b(a)(1)).
- 24 (NN) Section 704(f)(2)(H) (50 U.S.C. 432b(f)(2)(H)).
- 25 (OO) Section 704(g)(1) (50 U.S.C. 432b(g)(1)), both
- 26 places it appears.
- 27 (PP) Section 1001(a) (50 U.S.C. 441g(a)).
- 28 (QQ) Section 1102(a)(1) (50 U.S.C. 442a(a)(1)).
- 29 (RR) Section 1102(b)(1) (50 U.S.C. 442a(b)(1)).
- 30 (SS) Section 1102(c)(1) (50 U.S.C. 442a(c)(1)).
- 31 (TT) Section 1102(d) (50 U.S.C. 442a(d)).
- 32 (2) That Act is further amended by striking “of Central
- 33 Intelligence” each place it appears in the following provisions:
- 34 (A) Section 105(a)(2) (50 U.S.C. 403-5(a)(2)).
- 35 (B) Section 105B(a)(2) (50 U.S.C. 403-5b(a)(2)).
- 36 (C) Section 105B(b) (50 U.S.C. 403-5b(b)), the sec-
- 37 ond place it appears.

(3) That Act is further amended by striking “Director” each place it appears in the following provisions and inserting “National Intelligence Director”:

(A) Section 114(c) (50 U.S.C. 404i(c)).

(B) Section 116(b) (50 U.S.C. 404k(b)).

(C) Section 1001(b) (50 U.S.C. 441g(b)).

(C) Section 1001(c) (50 U.S.C. 441g(c)), the first place it appears.

(D) Section 1001(d)(1)(B) (50 U.S.C. 441g(d)(1)(B)).

(E) Section 1001(e) (50 U.S.C. 441g(e)), the first place it appears.

(4) Section 114A of that Act (50 U.S.C. 404i–1) is amended by striking “Director of Central Intelligence” and inserting “National Intelligence Director, the Director of the Central Intelligence Agency”

(5) Section 701 of that Act (50 U.S.C. 431) is amended—

(A) in subsection (a), by striking “Operational files of the Central Intelligence Agency may be exempted by the Director of Central Intelligence” and inserting “The Director of the Central Intelligence Agency, with the coordination of the National Intelligence Director, may exempt operational files of the Central Intelligence Agency”; and

(B) in subsection (g)(1), by striking “Director of Central Intelligence” and inserting “Director of the Central Intelligence Agency and the National Intelligence Director”.

(6) The heading for section 114 of that Act (50 U.S.C. 404i) is amended to read as follows:

“ADDITIONAL ANNUAL REPORTS FROM THE NATIONAL INTELLIGENCE DIRECTOR”.

(b) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—(1) Section 1 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a) is amended—

(A) by redesignating paragraphs (a), (b), and (c) as paragraphs (1), (2), and (3), respectively; and

(B) by striking paragraph (2), as so redesignated, and inserting the following new paragraph (2):

1 “(2) ‘Director’ means the Director of the Central Intel-
2 ligence Agency; and”.

3 (2) That Act (50 U.S.C. 403a et seq.) is further amended
4 by striking “Director of Central Intelligence” each place it ap-
5 pears in the following provisions and inserting “National Intel-
6 ligence Director”:

7 (A) Section 6 (50 U.S.C. 403g).

8 (B) Section 17(f) (50 U.S.C. 403q(f)), both places it
9 appears.

10 (3) That Act is further amended by striking “of Central
11 Intelligence” in each of the following provisions:

12 (A) Section 2 (50 U.S.C. 403b).

13 (A) Section 16(c)(1)(B) (50 U.S.C. 403p(c)(1)(B)).

14 (B) Section 17(d)(1) (50 U.S.C. 403q(d)(1)).

15 (C) Section 20(c) (50 U.S.C. 403t(c)).

16 (4) That Act is further amended by striking “Director of
17 Central Intelligence” each place it appears in the following pro-
18 visions and inserting “Director of the Central Intelligence
19 Agency”:

20 (A) Section 14(b) (50 U.S.C. 403n(b)).

21 (B) Section 16(b)(2) (50 U.S.C. 403p(b)(2)).

22 (C) Section 16(b)(3) (50 U.S.C. 403p(b)(3)), both
23 places it appears.

24 (D) Section 21(g)(1) (50 U.S.C. 403u(g)(1)).

25 (E) Section 21(g)(2) (50 U.S.C. 403u(g)(2)).

26 (c) CENTRAL INTELLIGENCE AGENCY RETIREMENT
27 ACT.—Section 101 of the Central Intelligence Agency Retire-
28 ment Act (50 U.S.C. 2001) is amended by striking paragraph
29 (2) and inserting the following new paragraph (2):

30 “(2) DIRECTOR.—The term ‘Director’ means the Di-
31 rector of the Central Intelligence Agency.”.

32 (d) CIA VOLUNTARY SEPARATION PAY ACT.—Subsection
33 (a)(1) of section 2 of the Central Intelligence Agency Voluntary
34 Separation Pay Act (50 U.S.C. 2001 note) is amended to read
35 as follows:

36 “(1) the term ‘Director’ means the Director of the
37 Central Intelligence Agency;”.

1 (e) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF
2 1978.—(1) The Foreign Intelligence Surveillance Act of 1978
3 (50 U.S.C. 1801 et seq.) is amended by striking “Director of
4 Central Intelligence” each place it appears and inserting “Na-
5 tional Intelligence Director”.

6 (f) CLASSIFIED INFORMATION PROCEDURES ACT.—Sec-
7 tion 9(a) of the Classified Information Procedures Act (5
8 U.S.C. App.) is amended by striking “Director of Central Intel-
9 ligence” and inserting “National Intelligence Director”.

10 (g) INTELLIGENCE AUTHORIZATION ACTS.—

11 (1) PUBLIC LAW 103–359.—Section 811(c)(6)(C) of the
12 Counterintelligence and Security Enhancements Act of
13 1994 (title VIII of Public Law 103–359) is amended by
14 striking “Director of Central Intelligence” and inserting
15 “National Intelligence Director”.

16 (2) PUBLIC LAW 107–306.—(A) The Intelligence Au-
17 thorization Act for Fiscal Year 2003 (Public Law 107–
18 306) is amended by striking “Director of Central Intel-
19 ligence, acting as the head of the intelligence community,”
20 each place it appears in the following provisions and insert-
21 ing “National Intelligence Director”:

22 (i) Section 313(a) (50 U.S.C. 404n(a)).

23 (ii) Section 343(a)(1) (50 U.S.C. 404n–2(a)(1))

24 (B) Section 341 of that Act (50 U.S.C. 404n–1) is
25 amended by striking “Director of Central Intelligence, act-
26 ing as the head of the intelligence community, shall estab-
27 lish in the Central Intelligence Agency” and inserting “Na-
28 tional Intelligence Director shall establish within the Cen-
29 tral Intelligence Agency”.

30 (C) Section 352(b) of that Act (50 U.S.C. 404–3 note)
31 is amended by striking “Director” and inserting “National
32 Intelligence Director”.

33 (3) PUBLIC LAW 108–177.—(A) The Intelligence Au-
34 thorization Act for Fiscal Year 2004 (Public Law 108–
35 177) is amended by striking “Director of Central Intel-
36 ligence” each place it appears in the following provisions
37 and inserting “National Intelligence Director”:

- 1 (i) Section 317(a) (50 U.S.C. 403–3 note).
- 2 (ii) Section 317(h)(1).
- 3 (iii) Section 318(a) (50 U.S.C. 441g note).
- 4 (iv) Section 319(b) (50 U.S.C. 403 note).
- 5 (v) Section 341(b) (28 U.S.C. 519 note).
- 6 (vi) Section 357(a) (50 U.S.C. 403 note).
- 7 (vii) Section 504(a) (117 Stat. 2634), both places
- 8 it appears.

9 (B) Section 319(f)(2) of that Act (50 U.S.C. 403
10 note) is amended by striking “Director” the first place it
11 appears and inserting “National Intelligence Director”.

12 (C) Section 404 of that Act (18 U.S.C. 4124 note) is
13 amended by striking “Director of Central Intelligence” and
14 inserting “Director of the Central Intelligence Agency”.

15 **SEC. 303. OTHER CONFORMING AMENDMENTS**

16 (a) NATIONAL SECURITY ACT OF 1947.—(1) Section
17 101(j) of the National Security Act of 1947 (50 U.S.C. 402(j))
18 is amended by striking “Deputy Director of Central Intel-
19 ligence” and inserting “Principal Deputy National Intelligence
20 Director”.

21 (2) Section 112(d)(1) of that Act (50 U.S.C. 404g(d)(1))
22 is amended by striking “section 103(c)(6) of this Act” and in-
23 serting “section 112(a)(11) of the National Intelligence Reform
24 Act of 2004”.

25 (3) Section 116(b) of that Act (50 U.S.C. 404k(b)) is
26 amended by striking “to the Deputy Director of Central Intel-
27 ligence, or with respect to employees of the Central Intelligence
28 Agency, the Director may delegate such authority to the Dep-
29 uty Director for Operations” and inserting “to the Principal
30 Deputy National Intelligence Director, or, with respect to em-
31 ployees of the Central Intelligence Agency, to the Director of
32 the Central Intelligence Agency”.

33 (4) Section 504(a)(2) of that Act (50 U.S.C. 414(a)(2))
34 is amended by striking “Reserve for Contingencies of the Cen-
35 tral Intelligence Agency” and inserting “Reserve for Contin-
36 gencies of the National Intelligence Director”.

1 (5) Section 506A(b)(1) of that Act (50 U.S.C. 415a–
2 1(b)(1)) is amended by striking “Office of the Deputy Director
3 of Central Intelligence” and inserting “Office of the National
4 Intelligence Director”.

5 (6) Section 701(c)(3) of that Act (50 U.S.C. 431(c)(3)) is
6 amended by striking “or the Office of the Director of Central
7 Intelligence” and inserting “the Office of the Director of the
8 Central Intelligence Agency, or the Office of the National Intel-
9 ligence Director”.

10 (7) Section 1001(b) of that Act (50 U.S.C. 441g(b)) is
11 amended by striking “Assistant Director of Central Intelligence
12 for Administration” and inserting “Office of the National Intel-
13 ligence Director”.

14 (b) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—
15 Section 6 of the Central Intelligence Agency Act of 1949 (50
16 U.S.C. 403g) is amended by striking “section 103(c)(7) of the
17 National Security Act of 1947 (50 U.S.C. 403–3(c)(7))” and
18 inserting “section 112(a)(11) of the National Intelligence Re-
19 form Act of 2004”.

20 (c) CENTRAL INTELLIGENCE AGENCY RETIREMENT
21 ACT.—Section 201(c) of the Central Intelligence Agency Re-
22 tirement Act (50 U.S.C. 2011(c)) is amended by striking
23 “paragraph (6) of section 103(c) of the National Security Act
24 of 1947 (50 U.S.C. 403–3(c)) that the Director of Central In-
25 telligence” and inserting “section 112(a)(11) of the National
26 Intelligence Reform Act of 2004 that the National Intelligence
27 Director”.

28 (d) INTELLIGENCE AUTHORIZATION ACTS.—

29 (1) PUBLIC LAW 107–306.—Section 343(c) of the Intel-
30 ligence Authorization Act for Fiscal Year 2003 (Public
31 Law 107–306; 50 U.S.C. 404n–2(c)) is amended by strik-
32 ing “section 103(c)(6) of the National Security Act of 1947
33 (50 U.S.C. 403–3((c)(6)))” and inserting “section
34 112(a)(11) of the National Intelligence Reform Act of
35 2004”.

(2) PUBLIC LAW 108–177.—Section 317 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 50 U.S.C. 403–3 note) is amended—

(A) in subsection (g), by striking “Assistant Director of Central Intelligence for Analysis and Production” and inserting “Principal Deputy National Intelligence Director”; and

(B) in subsection (h)(2)(C), by striking “Assistant Director” and inserting “Principal Deputy National Intelligence Director”.

SEC. 304. MODIFICATIONS OF FOREIGN INTELLIGENCE AND COUNTERINTELLIGENCE UNDER NATIONAL SECURITY ACT OF 1947.

Section 3 of the National Security Act of 1947 (50 U.S.C. 401a) is amended—

(1) in paragraph (2), by striking “or foreign persons, or international terrorist activities” and inserting “foreign persons, or international terrorists”; and

(2) in paragraph (3), by striking “or foreign persons, or international terrorist activities” and inserting “foreign persons, or international terrorists”.

SEC. 305. ELEMENTS OF INTELLIGENCE COMMUNITY UNDER NATIONAL SECURITY ACT OF 1947.

Paragraph (4) of section 3 of the National Security Act of 1947 (50 U.S.C. 401a) is amended to read as follows:

“(4) The term ‘intelligence community’ includes the following:

“(A) The National Intelligence Authority.

“(B) The Central Intelligence Agency.

“(C) The National Security Agency.

“(D) The Defense Intelligence Agency.

“(E) The National Geospatial-Intelligence Agency.

“(F) The National Reconnaissance Office.

“(G) Other offices within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs.

1 “(H) The intelligence elements of the Army, the
2 Navy, the Air Force, the Marine Corps, the Federal
3 Bureau of Investigation, and the Department of En-
4 ergy.

5 “(I) The Bureau of Intelligence and Research of
6 the Department of State.

7 “(J) The Office of Intelligence and Analysis of the
8 Department of the Treasury.

9 “(K) The elements of the Department of Home-
10 land Security concerned with the analysis of intel-
11 ligence information, including the Office of Intelligence
12 of the Coast Guard.

13 “(L) Such other elements of any department or
14 agency as may be designated by the President, or des-
15 ignated jointly by the National Intelligence Director
16 and the head of the department or agency concerned,
17 as an element of the intelligence community.”.

18 **SEC. 306. REDESIGNATION OF NATIONAL FOREIGN IN-**
19 **TELLIGENCE PROGRAM AS NATIONAL INTEL-**
20 **LIGENCE PROGRAM.**

21 (a) REDESIGNATION.—Section 3 of the National Security
22 Act of 1947 (50 U.S.C. 401a), as amended by this Act, is fur-
23 ther amended—

24 (1) by striking paragraph (6); and

25 (2) by redesignating paragraph (7) as paragraph (6).

26 (b) CONFORMING AMENDMENTS.—(1) The National Secu-
27 rity Act of 1947, as amended by this Act, is further amended
28 by striking “National Foreign Intelligence Program” each place
29 it appears in the following provisions and inserting “National
30 Intelligence Program”:

31 (A) Section 105(a)(2) (50 U.S.C. 403–5(a)(2)).

32 (B) Section 105(a)(3) (50 U.S.C. 403–5(a)(3)).

33 (C) Section 506(a) (50 U.S.C. 415a(a)).

34 (2) Section 17(f) of the Central Intelligence Agency Act of
35 1949 (50 U.S.C. 403q(f)) is amended by striking “National
36 Foreign Intelligence Program” and inserting “National Intel-
37 ligence Program”.

1 (c) HEADING AMENDMENTS.—(1) The heading of section
2 105 of that Act is amended to read as follows:

3 “RESPONSIBILITIES OF THE SECRETARY OF DEFENSE
4 PERTAINING TO THE NATIONAL INTELLIGENCE PROGRAM”.

5 (2) The heading of section 506 of that Act is amended to
6 read as follows:

7 “SPECIFICITY OF NATIONAL INTELLIGENCE PROGRAM BUDGET
8 AMOUNTS FOR COUNTERTERRORISM,
9 COUNTERPROLIFERATION, COUNTERNARCOTICS, AND COUN-
10 TERINTELLIGENCE”.

11 **SEC. 307. CONFORMING AMENDMENT ON COORDINA-**
12 **TION OF BUDGETS OF ELEMENTS OF THE IN-**
13 **TELLIGENCE COMMUNITY WITHIN THE DE-**
14 **PARTMENT OF DEFENSE.**

15 Section 105(a)(1) of the National Security Act of 1947
16 (50 U.S.C. 403–5(a)(1)) is amended by striking “ensure” and
17 inserting “assist the Director in ensuring”.

18 **SEC. 308. REPEAL OF SUPERSEDED AUTHORITIES.**

19 (a) APPOINTMENT OF CERTAIN INTELLIGENCE OFFI-
20 CIALS.—Section 106 of the National Security Act of 1947 (50
21 U.S.C. 403–6) is repealed.

22 (b) COLLECTION TASKING AUTHORITY.—Section 111 of
23 the National Security Act of 1947 (50 U.S.C. 404f) is repealed.

24 **SEC. 309. CLERICAL AMENDMENTS TO NATIONAL SECU-**
25 **RITY ACT OF 1947.**

26 The table of contents for the National Security Act of
27 1947 is amended—

28 (1) by inserting after the item relating to section 101
29 the following new item:

“Sec. 101A. Joint Intelligence Community Council.”;

30 (2) by striking the items relating to sections 102
31 through 104 and inserting the following new items:

“Sec. 102. Central Intelligence Agency.

“Sec. 103. Director of the Central Intelligence Agency.”;

32 (3) by striking the item relating to section 105 and in-
33 serting the following new item:

“Sec 105. Responsibilities of the Secretary of Defense pertaining to the
National Intelligence Program.”;

1 (4) by striking the item relating to section 114 and in-
2 serting the following new item:

“Sec. 114. Additional annual reports from the National Intelligence Direc-
tor.”;

3 and

4 (5) by striking the item relating to section 506 and in-
5 serting the following new item:

“Sec. 506. Specificity of National Intelligence Program budget amounts for
counterterrorism, counterproliferation, counternarcotics, and
counterintelligence”.

6 **SEC. 310. MODIFICATION OF AUTHORITIES RELATING**
7 **TO NATIONAL COUNTERINTELLIGENCE EX-**
8 **ECUTIVE.**

9 (a) APPOINTMENT OF NATIONAL COUNTERINTELLIGENCE
10 EXECUTIVE.—Subsection (a)(2) of section 902 of the Counter-
11 intelligence Enhancement Act of 2002 (title IX of Public Law
12 107–306; 116 Stat. 2432; 50 U.S.C. 402b) is amended by
13 striking “Director of Central Intelligence” and inserting “Na-
14 tional Intelligence Director, and Director of the Central Intel-
15 ligence Agency”.

16 (b) COMPONENT OF OFFICE OF NATIONAL INTELLIGENCE
17 DIRECTOR.—Such section is further amended—

18 (1) by redesignating subsections (b) and (c) as sub-
19 sections (c) and (d), respectively; and

20 (2) by inserting after subsection (a) the following new
21 subsection (b):

22 “(b) COMPONENT OF OFFICE OF NATIONAL INTEL-
23 LIGENCE DIRECTOR.—The National Counterintelligence Execu-
24 tive is a component of the Office of the National Intelligence
25 Director under subtitle C of the National Intelligence Reform
26 Act of 2004.”.

27 (c) DUTIES.—Subsection (d) of such section, as redesign-
28 ated by subsection (a)(1) of this section, is amended by add-
29 ing at the end the following new paragraph:

30 “(5) To perform such other duties as may be provided
31 under section 131(b) of the National Intelligence Reform
32 Act of 2004.”.

(d) OFFICE OF NATIONAL COUNTERINTELLIGENCE EXECUTIVE.—Section 904 of the Counterintelligence Enhancement Act of 2002 (116 Stat. 2434; 50 U.S.C. 402c) is amended—

(1) by striking “Office of the Director of Central Intelligence” each place it appears in subsections (c) and (l)(1) and inserting “Office of the National Intelligence Director”;

(2) by striking “Director of Central Intelligence” each place it appears in subsections (e)(4), (e)(5), (h)(1), and (h)(2) and inserting “National Intelligence Director”; and

(3) in subsection (m), by striking “Director of Central Intelligence” and inserting “National Intelligence Director, the Director of the Central Intelligence Agency”.

SEC. 311. CONFORMING AMENDMENT TO INSPECTOR GENERAL ACT OF 1978.

Section 8H(a)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following new subparagraph:

“(D) An employee of the National Intelligence Authority, an employee of an entity other than the Authority who is assigned or detailed to the Authority, or of a contractor of the Authority, who intends to report to Congress a complaint or information with respect to an urgent concern may report the complaint or information to the Inspector General of the National Intelligence Authority in accordance with section 141(h)(5) of the National Intelligence Reform Act of 2004.”.

SEC. 312. CONFORMING AMENDMENT RELATING TO CHIEF FINANCIAL OFFICER OF THE NATIONAL INTELLIGENCE AUTHORITY.

Section 901(b)(1) of title 31, United States Code, is amended by adding at the end the following new subparagraph:

“(Q) The National Intelligence Authority.”.

Subtitle B—Transfers and Terminations

SEC. 321. TRANSFER OF OFFICE OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE FOR COMMU- NITY MANAGEMENT.

(a) TRANSFER.—There shall be transferred to the Office of the National Intelligence Director the staff of the Office of the Deputy Director of Central Intelligence for Community Management as of the date of the enactment of this Act, including all functions and activities discharged by the Office of the Deputy Director of Central Intelligence for Community Management as of that date.

(b) ADMINISTRATION.—The National Intelligence Director shall administer the staff of the Office of the Deputy Director of Central Intelligence for Community Management after the date of the enactment of this Act as a component of the Office of the National Intelligence Director under section 121(d).

SEC. 322. TRANSFER OF NATIONAL COUNTERTERRORISM EXECUTIVE.

(a) TRANSFER.—There shall be transferred to the Office of the National Intelligence Director the National Counterintelligence Executive and the Office of the National Counterintelligence Executive under the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402b et seq.), as amended by section 309 of this Act, including all functions and activities discharged by the National Counterintelligence Executive and the Office of the National Counterintelligence Executive as of the date of the enactment of this Act.

(b) ADMINISTRATION.—The National Intelligence Director shall treat the National Counterintelligence Executive, and administer the Office of the National Counterintelligence Executive, after the date of the enactment of this Act as components of the Office of the National Intelligence Director under section 121(c).

1 **SEC. 323. TRANSFER OF TERRORIST THREAT INTEGRA-**
2 **TION CENTER.**

3 (a) TRANSFER.—There shall be transferred to the Na-
4 tional Counterterrorism Center the Terrorist Threat Integra-
5 tion Center (TTIC), including all functions and activities dis-
6 charged by the Terrorist Threat Integration Center as of the
7 date of the enactment of this Act.

8 (b) ADMINISTRATION.—The Director of the National
9 Counterterrorism Center shall administer the Terrorist Threat
10 Integration Center after the date of the enactment of this Act
11 as a component of the Directorate of Intelligence of the Na-
12 tional Counterterrorism Center under section 143(g)(2).

13 **SEC. 324. TERMINATION OF CERTAIN POSITIONS WITHIN**
14 **THE CENTRAL INTELLIGENCE AGENCY.**

15 (a) TERMINATION.—The positions within the Central In-
16 telligence Agency referred to in subsection (b) are hereby abol-
17 ished.

18 (b) COVERED POSITIONS.—The positions within the Cen-
19 tral Intelligence Agency referred to in this subsection are as
20 follows:

21 (1) The Deputy Director of Central Intelligence for
22 Community Management.

23 (2) The Assistant Director of Central Intelligence for
24 Collection.

25 (3) The Assistant Director of Central Intelligence for
26 Analysis and Production.

27 (4) The Assistant Director of Central Intelligence for
28 Administration.

29 **Subtitle C—Other Transition Matters**

30 **SEC. 331. EXECUTIVE SCHEDULE MATTERS.**

31 (a) EXECUTIVE SCHEDULE LEVEL I.—Section 5312 of
32 title 5, United States Code, is amended by adding the end the
33 following new item:

34 “National Intelligence Director.”.

35 (b) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of
36 title 5, United States Code, is amended—

1 (1) by striking the item relating to the Director of
2 Central Intelligence; and

3 (2) by adding at the end the following new items:

4 “Deputy National Intelligence Directors (5).

5 “Director of the National Counterterrorism Center.”.

6 (c) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of
7 title 5, United States Code, is amended by striking the item re-
8 lating to the Deputy Directors of Central Intelligence and in-
9 serting the following new item:

10 “Director of the Central Intelligence Agency.”.

11 (d) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of
12 title 5, United States Code, is amended by striking the item re-
13 lating to the Assistant Directors of Central Intelligence.

14 **SEC. 332. PRESERVATION OF INTELLIGENCE CAPABILI-**
15 **TIES.**

16 The National Intelligence Director, the Director of the
17 Central Intelligence Agency, and the Secretary of Defense shall
18 jointly take such actions as are appropriate to preserve the in-
19 telligence capabilities of the United States during the establish-
20 ment of the National Intelligence Authority under this Act.

21 **SEC. 333. REORGANIZATION.**

22 (a) REORGANIZATION.—The National Intelligence Director
23 may, with the approval of the President and after consultation
24 with the department, agency, or element concerned, allocate or
25 reallocate functions among the officers of the National Intel-
26 ligence Program, and may establish, consolidate, alter, or dis-
27 continue organizational units within the Program, but only
28 after providing notice of such action to Congress, which shall
29 include an explanation of the rationale for the action.

30 (b) LIMITATION.—The authority under subsection (a) does
31 not extend to any action inconsistent with law.

32 (c) CONGRESSIONAL REVIEW.—An action may be taken
33 under the authority under subsection (a) only with the approval
34 of the following:

35 (1) Each of the congressional intelligence committees.

1 (2) Each of the Committee on Governmental Affairs of
2 the Senate and the Committee on Government Reform of
3 the House of Representatives.

4 **SEC. 334. NATIONAL INTELLIGENCE DIRECTOR REPORT**
5 **ON IMPLEMENTATION OF INTELLIGENCE**
6 **COMMUNITY REFORM.**

7 Not later than one year after the date of the enactment
8 of this Act, the National Intelligence Director shall submit to
9 Congress a report on the progress made in the implementation
10 of this Act, including the amendments made by this Act. The
11 report shall include a comprehensive description of the progress
12 made, and may include such recommendations for additional
13 legislative or administrative action as the Director considers ap-
14 propriate.

15 **SEC. 335. COMPTROLLER GENERAL REPORTS ON IMPLE-**
16 **MENTATION OF INTELLIGENCE COMMUNITY**
17 **REFORM.**

18 (a) REPORTS.—(1) Not later than two years after the date
19 of the enactment of this Act, the Comptroller General of the
20 United States shall submit to Congress a comprehensive report
21 on the implementation of this Act and the amendments made
22 by this Act.

23 (2) The Comptroller General may submit to Congress at
24 any time during the two-year period beginning on the date of
25 the enactment of this Act, such reports on the progress made
26 in the implementation of this Act and the amendments made
27 by this Act as the Comptroller General considers appropriate.

28 (b) REPORT ELEMENTS.—Each report under subsection
29 (a) shall include the following:

30 (1) The assessment of the Comptroller General of the
31 progress made in the implementation of this Act (and the
32 amendments made by this Act) as of the date of such re-
33 port.

34 (2) A description of any delays or other shortfalls in
35 the implementation of this Act that have been identified by
36 the Comptroller General.

1 (3) Any recommendations for additional legislative or
2 administrative action that the Comptroller General con-
3 siderers appropriate.

4 (c) AGENCY COOPERATION.—Each department, agency,
5 and element of the United States Government shall cooperate
6 with the Comptroller General in the assessment of the imple-
7 mentation of this Act, and shall provide the Comptroller Gen-
8 eral timely and complete access to relevant documents in ac-
9 cordance with section 716 of title 31, United States Code.

10 **SEC. 336. GENERAL REFERENCES.**

11 (a) DIRECTOR OF CENTRAL INTELLIGENCE AS HEAD OF
12 INTELLIGENCE COMMUNITY.—Any reference to the Director of
13 Central Intelligence or the Director of the Central Intelligence
14 Agency in the Director's capacity as the head of the intelligence
15 community in any law, regulation, document, paper, or other
16 record of the United States shall be deemed to be a reference
17 to the National Intelligence Director.

18 (b) DIRECTOR OF CENTRAL INTELLIGENCE AS HEAD OF
19 CIA.—Any reference to the Director of Central Intelligence or
20 the Director of the Central Intelligence Agency in the Direc-
21 tor's capacity as the head of the Central Intelligence Agency
22 in any law, regulation, document, paper, or other record of the
23 United States shall be deemed to be a reference to the Director
24 of the Central Intelligence Agency.

25 (c) OFFICE OF THE DEPUTY DIRECTOR OF CENTRAL IN-
26 TELLIGENCE FOR COMMUNITY MANAGEMENT.—Any reference
27 to the Office of the Deputy Director of Central Intelligence for
28 Community Management in any law, regulation, document,
29 paper, or other record of the United States shall be deemed to
30 be a reference to the staff of such office within the Office of
31 the National Intelligence Director under section 121.

32 **Subtitle D—Effective Date**

33 **SEC. 341. EFFECTIVE DATE.**

34 (a) IN GENERAL.—Except as provided in subsection (b),
35 this Act, and the amendments made by this Act, shall take ef-
36 fect 180 days after the date of the enactment of this Act.

(b) EARLIER EFFECTIVE DATE.—In order to ensure the rapid implementation of this Act while simultaneously ensuring a smooth transition that will safeguard the national security of the United States, the President may provide that this Act (including the amendments made by this Act), or one or more particular provisions of this Act (including the amendments made by such provision or provisions), shall take effect on such date that is earlier than the date otherwise provided under subsection (a) as the President shall specify.

(c) NOTIFICATION OF EFFECTIVE DATES.—If the President exercises the authority in subsection (b), the President shall—

(1) notify Congress of the exercise of such authority;

and

(2) publish in the Federal Register notice of the earlier effective date or dates involved, including each provision (and amendment) covered by such earlier effective date.

Subtitle E—Other Matters

SEC. 351. SEVERABILITY.

If any provision of this Act, or an amendment made by this Act, or the application of such provision to any person or circumstance is held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those to which such provision is held invalid, shall not be affected thereby.

SEC. 352. AUTHORIZATION OF APPROPRIATIONS.

There are specifically authorized to be appropriated for fiscal year 2005 such sums as may be necessary to carry out this Act and the amendments made by this Act.

TITLE IV—INFORMATION SHARING

SEC. 401. INFORMATION SHARING.

(a) DEFINITIONS.—In this section:

(1) NETWORK.—The term “Network” means the Information Sharing Network described in subsection (c).

1 (2) TERRORISM INFORMATION.—The term “terrorism
2 information” means all information, whether collected, pro-
3 duced, or distributed by intelligence, law enforcement, mili-
4 tary, homeland security, or other activities, relating to—

5 (A) the existence, organization, capabilities, plans,
6 intentions, vulnerabilities, means of finance or material
7 support, or activities of foreign or international ter-
8 rorist groups or individuals, or of domestic groups or
9 individuals involved in transnational terrorism;

10 (B) threats posed by such groups or individuals to
11 the United States, United States persons, or United
12 States interests, or to those of other nations;

13 (C) communications of or by such groups or indi-
14 viduals; or

15 (D) information relating to groups or individuals
16 reasonably believed to be assisting or associated with
17 such groups or individuals.

18 (b) FINDINGS.—Consistent with the report of the National
19 Commission on Terrorist Attacks Upon the United States, Con-
20 gress makes the following findings:

21 (1) The effective use of information, from all available
22 sources, is essential to the fight against terror and the pro-
23 tection of our homeland. The biggest impediment to all-
24 source analysis, and to a greater likelihood of “connecting
25 the dots”, is resistance to sharing information.

26 (2) The United States Government has access to a
27 vast amount of information, including not only traditional
28 intelligence but also other government databases, such as
29 those containing customs or immigration information. But
30 the United States Government has a weak system for proc-
31 essing and using the information it has.

32 (3) In the period leading up to September 11, 2001,
33 there were instances of potentially helpful information that
34 was available but that no person knew to ask for; informa-
35 tion that was distributed only in compartmented channels;
36 and information that was requested but could not be
37 shared.

1 (4) Current security requirements nurture overclassi-
2 fication and excessive compartmentalization of information
3 among agencies. Each agency's incentive structure opposes
4 sharing, with risks, including criminal, civil, and adminis-
5 trative sanctions, but few rewards for sharing information.

6 (5) The current system, in which each intelligence
7 agency has its own security practices, requires a dem-
8 onstrated "need to know" before sharing. This approach
9 assumes that it is possible to know, in advance, who will
10 need to use the information. An outgrowth of the cold war,
11 such a system implicitly assumes that the risk of inad-
12 vertent disclosure outweighs the benefits of wider sharing.
13 Such assumptions are no longer appropriate. Although
14 counterintelligence concerns are still real, the costs of not
15 sharing information are also substantial. The current
16 "need-to-know" culture of information protection needs to
17 be replaced with a "need-to-share" culture of integration.

18 (6) A new approach to the sharing of terrorism infor-
19 mation is urgently needed. An important conceptual model
20 for a new "trusted information network" is the Systemwide
21 Homeland Analysis and Resource Exchange (SHARE) Net-
22 work proposed by a task force of leading professionals as-
23 sembled by the Markle Foundation and described in reports
24 issued in October 2002 and December 2003.

25 (7) No single agency can create a meaningful informa-
26 tion sharing system on its own. Alone, each agency can
27 only modernize stovepipes, not replace them. Presidential
28 leadership is required to bring about governmentwide
29 change.

30 (c) INFORMATION SHARING NETWORK.—

31 (1) ESTABLISHMENT.—The President shall establish
32 an information sharing network to promote the sharing of
33 terrorism information, in a manner consistent with national
34 security and the protection of privacy and civil liberties.

35 (2) ATTRIBUTES.—The Network shall promote coordi-
36 nation, communication and collaboration of people and in-
37 formation among all relevant Federal departments and

1 agencies, State, tribal, and local authorities, and relevant
2 private sector entities, including owners and operators of
3 critical infrastructure, by using policy guidelines and tech-
4 nologies that support—

5 (A) a decentralized, distributed, and coordinated
6 environment that connects existing systems where ap-
7 propriate and allows users to share information hori-
8 zontally across agencies, vertically between levels of
9 government, and, as appropriate, with the private sec-
10 tor;

11 (B) building on existing systems capabilities at rel-
12 evant agencies;

13 (C) utilizing industry best practices, including
14 minimizing the centralization of data and seeking to
15 use common tools and capabilities whenever possible;

16 (D) employing an information rights management
17 approach that controls access to data rather than to
18 whole networks;

19 (E) facilitating the sharing of information at and
20 across all levels of security by using policy guidelines
21 and technologies that support writing information that
22 can be broadly shared;

23 (F) providing directory services for locating people
24 and information;

25 (G) incorporating protections for individuals' pri-
26 vacy and civil liberties;

27 (H) incorporating mechanisms for information se-
28 curity; and

29 (I) access controls, authentication and authoriza-
30 tion, audits, and other strong mechanisms for informa-
31 tion security and privacy guideline enforcement across
32 all levels of security, in order to enhance accountability
33 and facilitate oversight.

34 (d) IMMEDIATE STEPS.—Not later than 90 days after the
35 date of enactment of this Act, the President, through the Di-
36 rector of Management and Budget and in consultation with the
37 National Intelligence Director, the Attorney General, the Sec-

1 retary of Homeland Security, the Secretary of Defense, the
2 Secretary of State, the Director of the Federal Bureau of In-
3 vestigation, the Director of the Central Intelligence Agency,
4 and such other Federal officials as the President shall des-
5 ignate, shall—

6 (1) establish electronic directory services to assist in
7 locating in the Federal Government terrorism information
8 and people with relevant knowledge about terrorism infor-
9 mation; and

10 (2) conduct a review of relevant current Federal agen-
11 cy capabilities, including a baseline inventory of current
12 Federal systems that contain terrorism information, the
13 money currently spent to maintain those systems, and iden-
14 tification of other information that should be included in
15 the Network.

16 (e) GUIDELINES.—As soon as possible, but in no event
17 later than 180 days after the date of enactment of this Act,
18 the President shall—

19 (1) in consultation with the National Intelligence Di-
20 rector and the Advisory Council on Information Sharing es-
21 tablished in subsection (g), issue guidelines for acquiring,
22 accessing, sharing, and using terrorism information, includ-
23 ing guidelines to ensure such information is provided in its
24 most shareable form, such as by separating out data from
25 the sources and methods by which they are obtained;

26 (2) in consultation with the Privacy and Civil Liberties
27 Oversight Board established under section 901, issue guide-
28 lines that—

29 (A) protect privacy and civil liberties in the devel-
30 opment and use of the Network; and

31 (B) shall be made public, unless, and only to the
32 extent that, nondisclosure is clearly necessary to pro-
33 tect national security;

34 (3) establish objective, systemwide performance meas-
35 ures to enable the assessment of progress toward achieving
36 full implementation of the Network; and

1 (4) require Federal departments and agencies to pro-
2 mote a culture of information sharing by—

3 (A) reducing disincentives to information sharing,
4 including overclassification of information and unneces-
5 sary requirements for originator approval; and

6 (B) providing affirmative incentives for informa-
7 tion sharing, such as the incorporation of information
8 sharing performance measures into agency and mana-
9 gerial evaluations, and employee awards for promoting
10 innovative information sharing practices.

11 (f) SYSTEM DESIGN AND IMPLEMENTATION PLAN.—Not
12 later than 270 days after the date of enactment of this Act,
13 the President shall submit to Congress a system design and im-
14 plementation plan for the Network. The plan shall be prepared
15 by the President through the Director of Management and
16 Budget and in consultation with the National Intelligence Di-
17 rector, the Attorney General, the Secretary of Homeland Secu-
18 rity, the Secretary of Defense, the Secretary of State, the Di-
19 rector of the Federal Bureau of Investigation, the Director of
20 the Central Intelligence Agency, and such other Federal offi-
21 cials as the President shall designate, and shall include—

22 (1) a description of the parameters of the proposed
23 Network, including functions, capabilities, and resources;

24 (2) a description of the technological, legal, and policy
25 issues presented by the creation of the Network described
26 in subsection (c), and the ways in which these issues will
27 be addressed;

28 (3)(A) a delineation of the roles of the Federal depart-
29 ments and agencies that will participate in the development
30 of the Network, including—

31 (i) identification of any agency that will build the
32 infrastructure needed to operate and manage the Net-
33 work (as distinct from the individual agency compo-
34 nents that are to be part of the Network); and

35 (ii) identification of any agency that will operate
36 and manage the Network (as distinct from the indi-

1 vidual agency components that are to be part of the
2 Network);

3 (B) a provision that the delineation of roles under sub-
4 paragraph (A) shall—

5 (i) be consistent with the authority of the National
6 Intelligence Director, under this Act, to set standards
7 for information sharing and information technology
8 throughout the intelligence community; and

9 (ii) recognize the role of the Department of Home-
10 land Security in coordinating with State, tribal, and
11 local officials and the private sector;

12 (4) a description of the technological requirements to
13 appropriately link and enhance existing networks and a de-
14 scription of the system design that will meet these require-
15 ments;

16 (5) a plan, including a time line, for the development
17 and phased implementation of the Network;

18 (6) total budget requirements to develop and imple-
19 ment the Network, including the estimated annual cost for
20 each of the 5 years following the date of enactment of this
21 Act; and

22 (7) proposals for any legislation that the President be-
23 lieves necessary to implement the Network.

24 (g) ADVISORY COUNCIL ON INFORMATION SHARING.—

25 (1) ESTABLISHMENT.—There is established an Advi-
26 sory Council on Information Sharing (in this subsection re-
27 ferred to as the “Council”).

28 (2) MEMBERSHIP.—No more than 25 individuals may
29 serve as members of the Council, which shall include—

30 (A) the National Intelligence Director, who shall
31 serve as Chairman of the Council;

32 (B) the Secretary of Homeland Security;

33 (C) the Secretary of Defense;

34 (D) the Attorney General;

35 (E) the Secretary of State;

36 (F) the Director of the Central Intelligence Agen-
37 cy;

1 (G) the Director of the Federal Bureau of Inves-
2 tigation;

3 (H) the Director of Management and Budget;

4 (I) such other Federal officials as the President
5 shall designate;

6 (J) representatives of State, tribal, and local gov-
7 ernments, to be appointed by the President;

8 (K) individuals from outside government with ex-
9 pertise in relevant technology, security and privacy con-
10 cepts, to be appointed by the President; and

11 (L) individuals who are employed in private busi-
12 nesses or nonprofit organizations that own or operate
13 critical infrastructure, to be appointed by the Presi-
14 dent.

15 (3) RESPONSIBILITIES.—The Council shall—

16 (A) advise the President and the heads of relevant
17 Federal departments and agencies on the implementa-
18 tion of the Network;

19 (B) ensure that there is coordination among par-
20 ticipants in the Network in the development and imple-
21 mentation of the Network;

22 (C) review, on an ongoing basis, policy, legal and
23 technology issues related to the implementation of the
24 Network; and

25 (D) establish a dispute resolution process to re-
26 solve disagreements among departments and agencies
27 about whether particular terrorism information should
28 be shared and in what manner.

29 (4) INAPPLICABILITY OF FEDERAL ADVISORY COM-
30 MITTEE ACT.—The Council shall not be subject to the re-
31 quirements of the Federal Advisory Committee Act (5
32 U.S.C. App.).

33 (5) INFORMING THE PUBLIC.—The Council shall hold
34 public hearings and otherwise inform the public of its ac-
35 tivities, as appropriate and in a manner consistent with the
36 protection of classified information and applicable law.

1 (6) COUNCIL REPORTS.—Not later than 1 year after
2 the date of enactment of this Act and annually thereafter,
3 the National Intelligence Director, in the capacity of Chair-
4 man of the Council, shall submit a report to Congress that
5 shall include—

6 (A) a description of the activities and accomplish-
7 ments of the Council in the preceding year; and

8 (B) the number and dates of the meetings held by
9 the Council and a list of attendees at each meeting.

10 (h) PRESIDENTIAL REPORTS.—Not later than 1 year after
11 the date of enactment of this Act, and semiannually thereafter,
12 the President shall submit a report to Congress on the state
13 of the Network. The report shall include—

14 (1) a progress report on the extent to which the Net-
15 work has been implemented, including how the Network
16 has fared on the governmentwide and agency-specific per-
17 formance measures and whether the performance goals set
18 in the preceding year have been met;

19 (2) objective systemwide performance goals for the fol-
20 lowing year;

21 (3) an accounting of how much was spent on the Net-
22 work in the preceding year;

23 (4) actions taken to ensure that agencies procure new
24 technology that is consistent with the Network and infor-
25 mation on whether new systems and technology are con-
26 sistent with the Network;

27 (5) the extent to which, in appropriate circumstances,
28 all terrorism watch lists are available for combined search-
29 ing in real time through the Network and whether there
30 are consistent standards for placing individuals on, and re-
31 moving individuals from, the watch lists, including the
32 availability of processes for correcting errors;

33 (6) the extent to which unnecessary roadblocks or dis-
34 incentives to information sharing, including the inappro-
35 priate use of paper-only intelligence products and require-
36 ments for originator approval, have been eliminated;

1 (7) the extent to which positive incentives for informa-
2 tion sharing have been implemented;

3 (8) the extent to which classified information is also
4 made available through the Network, in whole or in part,
5 in unclassified form;

6 (9) the extent to which State, tribal, and local
7 officials—

8 (A) are participating in the Network;

9 (B) have systems which have become integrated
10 into the Network;

11 (C) are providing as well as receiving information;
12 and

13 (D) are using the Network to communicate with
14 each other;

15 (10) the extent to which—

16 (A) private sector data, including information
17 from owners and operators of critical infrastructure, is
18 incorporated in the Network; and

19 (B) the private sector is both providing and receiv-
20 ing information;

21 (11) where private sector data has been used by the
22 Government or has been incorporated into the Network—

23 (A) the measures taken to protect sensitive busi-
24 ness information; and

25 (B) where the data involves information about in-
26 dividuals, the measures taken to ensure the accuracy of
27 such data;

28 (12) the measures taken by the Federal Government
29 to ensure the accuracy of other information on the Network
30 and, in particular, the accuracy of information about indi-
31 viduals;

32 (13) an assessment of the Network's privacy protec-
33 tions, including actions taken in the preceding year to im-
34 plement or enforce privacy protections and a report of com-
35 plaints received about interference with an individual's pri-
36 vacy or civil liberties; and

1 (14) an assessment of the security protections of the
2 Network.

3 (i) AGENCY PLANS AND REPORTS.—Each Federal depart-
4 ment or agency that possesses or uses terrorism information or
5 that otherwise participates, or expects to participate, in the
6 Network, shall submit to the Director of Management and
7 Budget and to Congress—

8 (1) not later than 1 year after the enactment of this
9 Act, a report including—

10 (A) a strategic plan for implementation of the
11 Network's requirements within the department or agen-
12 cy;

13 (B) objective performance measures to assess the
14 progress and adequacy of the department's or agency's
15 information sharing efforts; and

16 (C) budgetary requirements to integrate the de-
17 partment or agency into the Network, including pro-
18 jected annual expenditures for each of the following 5
19 years following the submission of the reports; and

20 (2) annually thereafter, reports including—

21 (A) an assessment of the department's or agency's
22 progress in complying with the Network's require-
23 ments, including how well the department or agency
24 has performed on the objective measures developed
25 under paragraph (1);

26 (B) the department's or agency's expenditures to
27 implement and comply with the Network's require-
28 ments in the preceding year;

29 (C) the department's or agency's plans for further
30 implementation of the Network in the year following
31 the submission of the report.

32 (j) PERIODIC ASSESSMENTS.—

33 (1) IN GENERAL.—Not later than 1 year after the
34 date of enactment of this Act, and periodically thereafter,
35 the Government Accountability Office shall review and
36 evaluate the implementation of the Network, both generally
37 and, at its discretion, within specific departments and

1 agencies, to determine the extent of compliance with the
2 Network's requirements and to assess the effectiveness of
3 the Network in improving information sharing and collabo-
4 ration and in protecting privacy and civil liberties, and
5 shall report to Congress on its findings.

6 (2) INSPECTORS GENERAL.—The Inspector General in
7 any Federal department or agency that possesses or uses
8 terrorism information or that otherwise participates in the
9 Network shall, at the discretion of the Inspector General—

10 (A) conduct audits or investigations to—

11 (i) determine the compliance of that depart-
12 ment or agency with the Network's requirements;
13 and

14 (ii) assess the effectiveness of that department
15 or agency in improving information sharing and
16 collaboration and in protecting privacy and civil lib-
17 erties; and

18 (B) issue reports on such audits and investiga-
19 tions.

20 (k) AUTHORIZATION OF APPROPRIATIONS.—There are au-
21 thorized to be appropriated—

22 (1) \$50,000,000 to the Director of Management and
23 Budget to carry out this section for fiscal year 2005; and

24 (2) such sums as are necessary to carry out this sec-
25 tion in each fiscal year thereafter, to be disbursed and allo-
26 cated in accordance with the Network system design and
27 implementation plan required by subsection (f).

28 **TITLE V—CONGRESSIONAL** 29 **REFORM**

30 **SEC. 501. FINDINGS.**

31 Consistent with the report of the National Commission on
32 Terrorist Attacks Upon the United States, Congress makes the
33 following findings:

34 (1) The American people are not served well by cur-
35 rent congressional rules and resolutions governing intel-
36 ligence and homeland security oversight.

1 (2) A unified Executive Branch effort on fighting ter-
2 rorism will not be effective unless it is matched by a unified
3 effort in Congress, specifically a strong, stable, and capable
4 congressional committee structure to give the intelligence
5 agencies and Department of Homeland Security sound
6 oversight, support, and leadership.

7 (3) The intelligence committees of the Senate and the
8 House of Representatives are not organized to provide
9 strong leadership and oversight for intelligence and
10 counterterrorism.

11 (4) Jurisdiction over the Department of Homeland Se-
12 curity, which is scattered among many committees in each
13 chamber, does not allow for the clear authority and respon-
14 sibility needed for effective congressional oversight.

15 (5) Congress should either create a new, joint Senate-
16 House intelligence authorizing committee modeled on the
17 former Joint Committee on Atomic Energy, or establish
18 new intelligence committees in each chamber with combined
19 authorization and appropriations authority.

20 (6) Congress should establish a single, principal point
21 of oversight and review in each chamber for the Depart-
22 ment of Homeland Security and the report of the National
23 Commission on Terrorist Attacks Upon the United States
24 stated that “Congressional leaders are best able to judge
25 what committee should have jurisdiction over this depart-
26 ment and its duties.”.

27 (7) In August 2004, the joint Senate leadership cre-
28 ated a bipartisan working group to examine how best to
29 implement the Commission’s recommendations with respect
30 to reform of the Senate’s oversight of intelligence and
31 homeland security, and directed the working group to begin
32 its work immediately and to present its findings and rec-
33 ommendations to Senate leadership as expeditiously as pos-
34 sible.

1 **SEC. 502. REORGANIZATION OF CONGRESSIONAL JURIS-**
2 **DICTION.**

3 The 108th Congress shall not adjourn until each House of
4 Congress has adopted the necessary changes to its rules such
5 that, effective the start of the 109th Congress—

6 (1) jurisdiction over proposed legislation, messages,
7 petitions, memorials, and other matters relating to the De-
8 partment of Homeland Security shall be consolidated in a
9 single committee in each House and such committee shall
10 have a nonpartisan staff; and

11 (2) jurisdiction over proposed legislation, messages,
12 petitions, memorials, and other matters related to intel-
13 ligence shall reside in—

14 (A) either a joint Senate-House authorizing com-
15 mittee modeled on the former Joint Committee on
16 Atomic Energy, or a committee in each chamber with
17 combined authorization and appropriations authority;
18 and

19 (B) regardless of which committee structure is se-
20 lected, the intelligence committee or committees shall
21 have—

22 (i) not more than 9 members in each House,
23 who shall serve without term limits and of which at
24 least 1 each shall also serve on a committee on
25 Armed Services, Judiciary, and Foreign Affairs and
26 at least 1 on a Defense Appropriations sub-
27 committee;

28 (ii) authority to issue subpoenas;

29 (iii) majority party representation that does
30 not exceed minority party representation by more
31 than 1 member in each House, and a nonpartisan
32 staff; and

33 (iv) a subcommittee devoted solely to over-
34 sight.

TITLE VI—PRESIDENTIAL TRANSITION

SEC. 601. PRESIDENTIAL TRANSITION.

(a) SERVICES PROVIDED PRESIDENT-ELECT.—Section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended—

(1) by adding after subsection (a)(8)(A)(iv) the following:

“(v) Activities under this paragraph shall include the preparation of a detailed classified, compartmented summary by the relevant outgoing executive branch officials of specific operational threats to national security; major military or covert operations; and pending decisions on possible uses of military force. This summary shall be provided to the President-elect as soon as possible after the date of the general elections held to determine the electors of President and Vice President under section 1 or 2 of title 3, United States Code.”;

(2) by redesignating subsection (f) as subsection (g);

and

(3) by adding after subsection (e) the following:

“(f)(1) The President-elect should submit to the agency designated by the President under section 601(d) of the 9/11 Commission Report Implementation Act of 2004 the names of candidates for high level national security positions through the level of undersecretary of cabinet departments as soon as possible after the date of the general elections held to determine the electors of President and Vice President under section 1 or 2 of title 3, United States Code.

“(2) The Federal Bureau of Investigation, and any other appropriate agency, shall undertake and complete as expeditiously as possible the background investigations necessary to provide appropriate security clearances to the individuals who are candidates described under paragraph (1) before the date

1 of the inauguration of the President-elect as President and the
2 inauguration of the Vice-President-elect as Vice President.”.

3 (b) SENSE OF CONGRESS REGARDING EXPEDITED CON-
4 sideration of National Security Nominees.—It is the
5 sense of Congress that—

6 (1) the President-elect should submit the nominations
7 of candidates for high-level national security positions,
8 through the level of undersecretary of cabinet departments,
9 to the Senate by the date of the inauguration of the Presi-
10 dent-elect as President; and

11 (2) for all national security nominees received by the
12 date of inauguration, the Senate committees to which these
13 nominations are referred should, to the fullest extent pos-
14 sible, complete their consideration of these nominations,
15 and, if such nominations are reported by the committees,
16 the full Senate should vote to confirm or reject these nomi-
17 nations, within 30 days of their submission.

18 (c) SECURITY CLEARANCES FOR TRANSITION TEAM MEM-
19 BERS.—

20 (1) DEFINITION.—In this section, the term “major
21 party” shall have the meaning given under section 9002(6)
22 of the Internal Revenue Code of 1986.

23 (2) IN GENERAL.—Each major party candidate for
24 President, except a candidate who is the incumbent Presi-
25 dent, may submit, before the date of the general election,
26 requests for security clearances for prospective transition
27 team members who will have a need for access to classified
28 information to carry out their responsibilities as members
29 of the President-elect’s transition team.

30 (3) COMPLETION DATE.—Necessary background inves-
31 tigations and eligibility determinations to permit appro-
32 priate prospective transition team members to have access
33 to classified information shall be completed, to the fullest
34 extent practicable, by the day after the date of the general
35 election.

36 (d) CONSOLIDATION OF RESPONSIBILITY FOR PERSONNEL
37 SECURITY INVESTIGATIONS.—

1 (1) CONSOLIDATION.—

2 (A) IN GENERAL.—Not later than 45 days after
3 the date of enactment of this Act, the President shall
4 select a single Federal agency to provide and maintain
5 all security clearances for Federal employees and Fed-
6 eral contractor personnel who require access to classi-
7 fied information, including conducting all investigation
8 functions.

9 (B) CONSIDERATIONS.—In selecting an agency
10 under this paragraph, the President shall fully consider
11 requiring the transfer of investigation functions to the
12 Office of Personnel Management as described under
13 section 906 of the National Defense Authorization Act
14 for Fiscal Year 2004 (5 U.S.C. 1101 note).

15 (C) COORDINATION AND CONSOLIDATION OF RE-
16 sponsibilities.—The Federal agency selected under
17 this paragraph shall—

18 (i) take all necessary actions to carry out the
19 responsibilities under this subsection, including en-
20 tering into a memorandum of understanding with
21 any agency carrying out such responsibilities before
22 the date of enactment of this Act; and

23 (ii) identify any legislative actions necessary to
24 further implement this subsection.

25 (D) DATABASE.—The agency selected shall, as
26 soon as practicable, establish and maintain a single
27 database for tracking security clearance applications,
28 investigations and eligibility determinations and ensure
29 that security clearance investigations are conducted ac-
30 cording to uniform standards, including uniform secu-
31 rity questionnaires and financial disclosure require-
32 ments.

33 (E) POLYGRAPHS.—The President shall direct the
34 agency selected under this paragraph to administer any
35 polygraph examinations on behalf of agencies that re-
36 quire them.

1 (2) ACCESS.—The President, acting through the Na-
2 tional Intelligence Director, shall—

3 (A) establish uniform standards and procedures
4 for the grant of access to classified information to any
5 officer or employee of any agency or department of the
6 United States and to employees of contractors of those
7 agencies and departments;

8 (B) ensure the consistent implementation of those
9 standards and procedures throughout such agencies
10 and departments; and

11 (C) ensure that security clearances granted by in-
12 dividual elements of the intelligence community are rec-
13 ognized by all elements of the intelligence community,
14 and under contracts entered into by such elements.

15 **TITLE VII—THE ROLE OF DIPLO-**
16 **MACY, FOREIGN AID, AND THE**
17 **MILITARY IN THE WAR ON TER-**
18 **RORISM**

19 **SEC. 701. REPORT ON TERRORIST SANCTUARIES.**

20 (a) FINDINGS.—Consistent with the report of the National
21 Commission on Terrorist Attacks Upon the United States, Con-
22 gress makes the following findings:

23 (1) Complex terrorist operations require locations that
24 provide such operations sanctuary from interference by gov-
25 ernment or law enforcement personnel.

26 (2) A terrorist sanctuary existed in Afghanistan before
27 September 11, 2001.

28 (3) The terrorist sanctuary in Afghanistan provided
29 direct and indirect value to members of al Qaeda who par-
30 ticipated in the terrorist attacks on the United States on
31 September 11, 2001 and in other terrorist operations.

32 (4) Terrorist organizations have fled to some of the
33 least governed and most lawless places in the world to find
34 sanctuary.

1 (5) During the twenty-first century, terrorists are fo-
2 cusing on remote regions and failing states as locations to
3 seek sanctuary.

4 (b) SENSE OF CONGRESS.—It is the sense of Congress
5 that—

6 (1) the United States Government should identify and
7 prioritize locations that are or that could be used as ter-
8 rorist sanctuaries;

9 (2) the United States Government should have a real-
10 istic strategy that includes the use of all elements of na-
11 tional power to keep possible terrorists from using a loca-
12 tion as a sanctuary; and

13 (3) the United States Government should reach out,
14 listen to, and work with countries in bilateral and multilat-
15 eral fora to prevent locations from becoming sanctuaries
16 and to prevent terrorists from using locations as sanc-
17 tuaries.

18 (c) STRATEGY ON TERRORIST SANCTUARIES.—

19 (1) REPORT REQUIRED.—Not later than 180 days
20 after the date of the enactment of this Act, the President
21 shall submit to Congress a report that describes a strategy
22 for addressing and, where possible, eliminating terrorist
23 sanctuaries.

24 (2) CONTENT.—The report required under this section
25 shall include the following:

26 (A) A description of actual and potential terrorist
27 sanctuaries, together with an assessment of the prior-
28 ities of addressing and eliminating such sanctuaries.

29 (B) An outline of strategies for disrupting or
30 eliminating the security provided to terrorists by such
31 sanctuaries.

32 (C) A description of efforts by the United States
33 Government to work with other countries in bilateral
34 and multilateral fora to address or eliminate actual or
35 potential terrorist sanctuaries and disrupt or eliminate
36 the security provided to terrorists by such sanctuaries.

(D) A description of long-term goals and actions designed to reduce the conditions that allow the formation of terrorist sanctuaries, such as supporting and strengthening host governments, reducing poverty, increasing economic development, strengthening civil society, securing borders, strengthening internal security forces, and disrupting logistics and communications networks of terrorist groups.

SEC. 702. ROLE OF PAKISTAN IN COUNTERING TERRORISM.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) The Government of Pakistan has a critical role to perform in the struggle against Islamist terrorism.

(2) The endemic poverty, widespread corruption, and frequent ineffectiveness of government in Pakistan create opportunities for Islamist recruitment.

(3) The poor quality of education in Pakistan is particularly worrying, as millions of families send their children to madrassahs, some of which have been used as incubators for violent extremism.

(4) The vast unpoliced regions in Pakistan make the country attractive to extremists seeking refuge and recruits and also provide a base for operations against coalition forces in Afghanistan.

(5) A stable Pakistan, with a government advocating “enlightened moderation” in the Muslim world, is critical to stability in the region.

(6) There is a widespread belief among the people of Pakistan that the United States has long treated them as allies of convenience.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should make a long-term commitment to assisting in ensuring a promising, stable, and secure future in Pakistan, as long as its leaders remain

1 committed to combatting extremists and implementing a
2 strategy of “enlightened moderation”;

3 (2) the United States aid to Pakistan should be ful-
4 some and, at a minimum, sustained at the fiscal year 2004
5 levels;

6 (3) the United States should support the Government
7 of Pakistan with a comprehensive effort that extends from
8 military aid to support for better education; and

9 (4) the United States Government should devote par-
10 ticular attention and resources to assisting in the improve-
11 ment of the quality of education in Pakistan.

12 (c) REPORT ON SUPPORT FOR PAKISTAN.—

13 (1) REPORT REQUIRED.—Not later than 180 days
14 after the date of the enactment of this Act, the President
15 shall submit to Congress a report on the efforts of the
16 United States Government to support Pakistan and encour-
17 age moderation in that country.

18 (2) CONTENT.—The report required under this section
19 shall include the following:

20 (A) An examination of the desirability of estab-
21 lishing a Pakistan Education Fund to direct resources
22 toward improving the quality of secondary schools in
23 Pakistan.

24 (B) Recommendations on the funding necessary to
25 provide various levels of educational support.

26 (C) An examination of the current composition
27 and levels of United States military aid to Pakistan, to-
28 gether with any recommendations for changes in such
29 levels and composition that the President considers ap-
30 propriate.

31 (D) An examination of other major types of
32 United States financial support to Pakistan, together
33 with any recommendations for changes in the levels and
34 composition of such support that the President con-
35 sider appropriate.

1 **SEC. 703. AID TO AFGHANISTAN.**

2 (a) **FINDINGS.**—Consistent with the report of the National
3 Commission on Terrorist Attacks Upon the United States, Con-
4 gress makes the following findings:

5 (1) The United States and its allies in the inter-
6 national community have made progress in promoting eco-
7 nomic and political reform within Afghanistan, including
8 the establishment of a central government with a demo-
9 cratic constitution, a new currency, and a new army, the
10 increase of personal freedom, and the elevation of the
11 standard of living of many Afghans.

12 (2) A number of significant obstacles must be over-
13 come if Afghanistan is to become a secure and prosperous
14 democracy, and such a transition depends in particular
15 upon—

16 (A) improving security throughout the country;

17 (B) disarming and demobilizing militias;

18 (C) curtailing the rule of the warlords;

19 (D) promoting equitable economic development;

20 (E) protecting the human rights of the people of
21 Afghanistan;

22 (F) holding elections for public office; and

23 (G) ending the cultivation and trafficking of nar-
24 cotics.

25 (3) The United States and the international commu-
26 nity must make a long-term commitment to addressing the
27 deteriorating security situation in Afghanistan and the bur-
28 geoning narcotics trade, endemic poverty, and other serious
29 problems in Afghanistan in order to prevent that country
30 from relapsing into a sanctuary for international terrorism.

31 (b) **POLICY.**—It shall be the policy of the United States
32 to take the following actions with respect to Afghanistan:

33 (1) Working with other nations to obtain long-term se-
34 curity, political, and financial commitments and fulfillment
35 of pledges to the Government of Afghanistan to accomplish
36 the objectives of the Afghanistan Freedom Support Act of
37 2002 (22 U.S.C. 7501 et seq.), especially to ensure a se-

1 cure, democratic, and prosperous Afghanistan that respects
2 the rights of its citizens and is free of international ter-
3 rorist organizations.

4 (2) Using the voice and vote of the United States in
5 relevant international organizations, including the North
6 Atlantic Treaty Organization and the United Nations Secu-
7 rity Council, to strengthen international commitments to
8 assist the Government of Afghanistan in enhancing secu-
9 rity, building national police and military forces, increasing
10 counter-narcotics efforts, and expanding infrastructure and
11 public services throughout the country.

12 (3) Taking appropriate steps to increase the assistance
13 provided under programs of the Department of State and
14 the United States Agency for International Development
15 throughout Afghanistan and to increase the number of per-
16 sonnel of those agencies in Afghanistan as necessary to
17 support the increased assistance.

18 (c) AUTHORIZATION OF APPROPRIATIONS.—

19 (1) FISCAL YEAR 2005.—There are authorized to be
20 appropriated to the President for fiscal year 2005 for as-
21 sistance for Afghanistan, in addition to any amounts other-
22 wise available for the following purposes, the following
23 amounts:

24 (A) For Development Assistance to carry out the
25 provisions of sections 103, 105, and 106 of the Foreign
26 Assistance Act of 1961 (22 U.S.C. 2151a, 2151c, and
27 2151d), \$400,000,000.

28 (B) For the Child Survival and Health Program
29 Fund to carry out the provisions of section 104 of the
30 Foreign Assistance Act of 1961 (22 U.S.C. 2151b),
31 \$100,000,000.

32 (C) For the Economic Support Fund to carry out
33 the provisions of chapter 4 of part II of the Foreign
34 Assistance Act of 1961 (22 U.S.C. 2346 et seq.),
35 \$550,000,000.

36 (D) For International Narcotics and Law Enforce-
37 ment to carry out the provisions of section 481 of the

1 Foreign Assistance Act of 1961 (22 U.S.C. 2291),
2 \$360,000,000.

3 (E) For Nonproliferation, Anti-Terrorism,
4 Demining, and Related Programs, \$50,000,000.

5 (F) For International Military Education and
6 Training to carry out the provisions of section 541 of
7 the Foreign Assistance Act of 1961 (22 U.S.C. 2347),
8 \$2,000,000.

9 (G) For Foreign Military Financing Program
10 grants to carry of the provision of section 23 of the
11 Arms Export Control Act (22 U.S.C. 2763),
12 \$880,000,000.

13 (H) For Peacekeeping Operations to carry out the
14 provisions of section 551 of the Foreign Assistance Act
15 of 1961 (22 U.S.C. 2348), \$60,000,000.

16 (2) FISCAL YEARS 2006 THROUGH 2009.—There are au-
17 thorized to be appropriated to the President for each of fis-
18 cal years 2006 through 2009 such sums as may be nec-
19 essary for financial and other assistance to Afghanistan.

20 (3) CONDITIONS FOR ASSISTANCE.—Assistance pro-
21 vided by the President under this subsection—

22 (A) shall be consistent with the Afghanistan Free-
23 dom Support Act of 2002; and

24 (B) shall be provided with reference to the “Secur-
25 ing Afghanistan’s Future” document published by the
26 Government of Afghanistan.

27 (d) SENSE OF CONGRESS.—It is the sense of Congress
28 that Congress should, in consultation with the President, up-
29 date and revise, as appropriate, the Afghanistan Freedom Sup-
30 port Act of 2002.

31 (e) STRATEGY AND SUPPORT REGARDING UNITED STATES
32 AID TO AFGHANISTAN.—

33 (1) REQUIREMENT FOR STRATEGY.—Not later than
34 180 days after the date of the enactment of this Act, the
35 President shall submit to Congress a 5-year strategy for
36 providing aid to Afghanistan.

(2) CONTENT.—The strategy required under paragraph (1) shall describe the resources that will be needed during the next 5 years to achieve specific objectives in Afghanistan, including in the following areas:

(A) Fostering economic development.

(B) Curtailing the cultivation of opium.

(C) Achieving internal security and stability.

(D) Eliminating terrorist sanctuaries.

(E) Increasing governmental capabilities.

(F) Improving essential infrastructure and public services.

(G) Improving public health services.

(H) Establishing a broad-based educational system.

(I) Promoting democracy and the rule of law.

(J) Building national police and military forces.

(3) UPDATES.—Beginning not later than 1 year after the strategy is submitted to Congress under paragraph (1), the President shall submit to Congress an annual report—

(A) updating the progress made toward achieving the goals outlined in the strategy under this subsection; and

(B) identifying shortfalls in meeting those goals and the resources needed to fully achieve them.

SEC. 704. THE UNITED STATES-SAUDI ARABIA RELATIONSHIP.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Despite a long history of friendly relations with the United States, Saudi Arabia has been a problematic ally in combating Islamic extremism.

(2) Cooperation between the Governments of the United States and Saudi Arabia has traditionally been carried out in private.

1 (3) The Government of Saudi Arabia has not always
2 responded promptly and fully to United States requests for
3 assistance in the global war on Islamist terrorism.

4 (4) Counterterrorism cooperation between the Govern-
5 ments of the United States and Saudi Arabia has improved
6 significantly since the terrorist bombing attacks in Riyadh,
7 Saudi Arabia, on May 12, 2003.

8 (5) The Government of Saudi Arabia is now aggres-
9 sively pursuing al Qaeda and appears to be acting to build
10 a domestic consensus for some internal reforms.

11 (b) SENSE OF CONGRESS.—It is the sense of Congress
12 that—

13 (1) the problems in the relationship between the
14 United States and Saudi Arabia must be confronted openly,
15 and the opportunities for cooperation between the countries
16 must be pursued openly by those governments;

17 (2) both governments must build a relationship that
18 they can publicly defend and that is based on other na-
19 tional interests in addition to their national interests in oil;

20 (3) this relationship should include a shared commit-
21 ment to political and economic reform in Saudi Arabia; and

22 (4) this relationship should also include a shared inter-
23 est in greater tolerance and respect for other cultures in
24 Saudi Arabia and a commitment to fight the violent ex-
25 tremists who foment hatred in the Middle East.

26 (c) REPORT.—

27 (1) REPORT REQUIRED.—Not later than 180 days
28 after the date of the enactment of this Act, the President
29 shall submit to Congress a strategy for expanding collabora-
30 tion with the Government of Saudi Arabia on subjects of
31 mutual interest and of importance to the United States.

32 (2) SCOPE.—As part of this strategy, the President
33 shall consider the utility of undertaking a periodic, formal,
34 and visible high-level dialogue between senior United States
35 Government officials of cabinet level or higher rank and
36 their counterparts in the Government of Saudi Arabia to
37 address challenges in the relationship between the 2 gov-

1 ernments and to identify areas and mechanisms for co-
2 operation.

3 (3) CONTENT.—The strategy under this subsection
4 shall encompass—

5 (A) intelligence and security cooperation in the
6 fight against Islamist terrorism;

7 (B) ways to advance the Middle East peace proc-
8 ess;

9 (C) political and economic reform in Saudi Arabia
10 and throughout the Middle East; and

11 (D) the promotion of greater tolerance and respect
12 for cultural and religious diversity in Saudi Arabia and
13 throughout the Middle East.

14 **SEC. 705. EFFORTS TO COMBAT ISLAMIC TERRORISM BY**
15 **ENGAGING IN THE STRUGGLE OF IDEAS IN**
16 **THE ISLAMIC WORLD.**

17 (a) FINDINGS.—Consistent with the report of the National
18 Commission on Terrorist Attacks Upon the United States, Con-
19 gress makes the following findings:

20 (1) While support for the United States has plum-
21 meted in the Islamic world, many negative views are unin-
22 formed, at best, and, at worst, are informed by coarse
23 stereotypes and caricatures.

24 (2) Local newspapers in Islamic countries and influen-
25 tial broadcasters who reach Islamic audiences through sat-
26 ellite television often reinforce the idea that the people and
27 Government of the United States are anti-Muslim.

28 (b) SENSE OF CONGRESS.—It is the sense of Congress
29 that—

30 (1) the Government of the United States should offer
31 an example of moral leadership in the world that includes
32 a commitment to treat all people humanely, abide by the
33 rule of law, and be generous and caring to the people and
34 governments of other countries;

35 (2) the United States should cooperate with govern-
36 ments of Islamic countries to foster agreement on respect
37 for human dignity and opportunity, and to offer a vision

1 of a better future that includes stressing life over death, in-
2 dividual educational and economic opportunity, widespread
3 political participation, contempt for indiscriminate violence,
4 respect for the rule of law, openness in discussing dif-
5 ferences, and tolerance for opposing points of view;

6 (3) the United States should encourage reform, free-
7 dom, democracy, and opportunity for Arabs and Muslims
8 and promote moderation in the Islamic world; and

9 (4) the United States should work to defeat extremist
10 ideology in the Islamic world by providing assistance to
11 moderate Arabs and Muslims to combat extremist ideas.

12 (c) REPORT ON THE STRUGGLE OF IDEAS IN THE ISLAMIC
13 WORLD.—

14 (1) REPORT REQUIRED.—Not later than 180 days
15 after the date of the enactment of this Act, the President
16 shall submit to Congress a report that contains a cohesive
17 long-term strategy for the United States Government to
18 help win the struggle of ideas in the Islamic world.

19 (2) CONTENT.—The report required under this section
20 shall include the following:

21 (A) A description of specific goals related to win-
22 ning this struggle of ideas.

23 (B) A description of the range of tools available to
24 the United States Government to accomplish these
25 goals and the manner in which such tools will be em-
26 ployed.

27 (C) A list of benchmarks for measuring success
28 and a plan for linking resources to the accomplishment
29 of these goals.

30 (D) A description of any additional resources that
31 may be necessary to help win this struggle of ideas.

32 (E) Any recommendations for the creation of, and
33 United States participation in, international institu-
34 tions for the promotion of democracy and economic di-
35 versification in the Islamic world, and intra-regional
36 trade in the Middle East.

1 (F) An estimate of the level of United States fi-
2 nancial assistance that would be sufficient to convince
3 United States allies and people in the Islamic world
4 that engaging in the struggle of ideas in the Islamic
5 world is a top priority of the United States and that
6 the United States intends to make a substantial and
7 sustained commitment toward winning this struggle.

8 **SEC. 706. UNITED STATES POLICY TOWARD DICTATOR-**
9 **SHIPS.**

10 (a) FINDING.—Consistent with the report of the National
11 Commission on Terrorist Attacks Upon the United States, Con-
12 gress finds that short-term gains enjoyed by the United States
13 through cooperation with the world's most repressive and bru-
14 tal governments are too often outweighed by long-term setbacks
15 for the stature and interests of the United States.

16 (b) SENSE OF CONGRESS.—It is the sense of Congress
17 that—

18 (1) United States foreign policy should promote the
19 value of life and the importance of individual educational
20 and economic opportunity, encourage widespread political
21 participation, condemn indiscriminate violence, and pro-
22 mote respect for the rule of law, openness in discussing dif-
23 ferences among people, and tolerance for opposing points of
24 view; and

25 (2) the United States Government must prevail upon
26 the governments of all predominantly Muslim countries, in-
27 cluding those that are friends and allies of the United
28 States, to condemn indiscriminate violence, promote the
29 value of life, respect and promote the principles of indi-
30 vidual education and economic opportunity, encourage
31 widespread political participation, and promote the rule of
32 law, openness in discussing differences among people, and
33 tolerance for opposing points of view.

1 **SEC. 707. PROMOTION OF UNITED STATES VALUES**
2 **THROUGH BROADCAST MEDIA.**

3 (a) FINDINGS.—Consistent with the report of the National
4 Commission on Terrorist Attacks Upon the United States, Con-
5 gress makes the following findings:

6 (1) Although the United States has demonstrated and
7 promoted its values in defending Muslims against tyrants
8 and criminals in Somalia, Bosnia, Kosovo, Afghanistan,
9 and Iraq, this message is not always clearly presented in
10 the Islamic world.

11 (2) If the United States does not act to vigorously de-
12 fine its message in the Islamic world, the image of the
13 United States will be defined by Islamic extremists who
14 seek to demonize the United States.

15 (3) Recognizing that many Arab and Muslim audi-
16 ences rely on satellite television and radio, the United
17 States Government has launched promising initiatives in
18 television and radio broadcasting to the Arab world, Iran,
19 and Afghanistan.

20 (b) SENSE OF CONGRESS.—It is the sense of Congress
21 that—

22 (1) the United States must do more to defend and
23 promote its values and ideals to the broadest possible audi-
24 ence in the Islamic world;

25 (2) United States efforts to defend and promote these
26 values and ideals are beginning to ensure that accurate ex-
27 pressions of these values reach large audiences in the Is-
28 lamic world and should be robustly supported;

29 (3) the United States Government could and should do
30 more to engage the Muslim world in the struggle of ideas;
31 and

32 (4) the United States Government should more inten-
33 sively employ existing broadcast media in the Islamic world
34 as part of this engagement.

35 (c) REPORT ON OUTREACH STRATEGY.—

36 (1) REPORT REQUIRED.—Not later than 180 days
37 after the date of the enactment of this Act, the President

1 shall submit to Congress a report on the strategy of the
2 United States Government for expanding its outreach to
3 foreign Muslim audiences through broadcast media.

4 (2) CONTENT.—The report shall include the following:

5 (A) The initiatives of the Broadcasting Board of
6 Governors and the public diplomacy activities of the
7 Department of State with respect to outreach to for-
8 eign Muslim audiences.

9 (B) An outline of recommended actions that the
10 United States Government should take to more regu-
11 larly and comprehensively present a United States
12 point of view through indigenous broadcast media in
13 countries with sizable Muslim populations, including in-
14 creasing appearances by United States Government of-
15 ficials, experts, and citizens.

16 (C) An assessment of potential incentives for, and
17 costs associated with, encouraging United States broad-
18 casters to dub or subtitle into Arabic and other rel-
19 evant languages their news and public affairs programs
20 broadcast in the Muslim world in order to present those
21 programs to a much broader Muslim audience than is
22 currently reached.

23 (D) Any recommendations the President may have
24 for additional funding and legislation necessary to
25 achieve the objectives of the strategy.

26 (d) AUTHORIZATIONS OF APPROPRIATIONS.—There are
27 authorized to be appropriated to the President to carry out
28 United States Government broadcasting activities under the
29 United States Information and Educational Exchange Act of
30 1948 (22 U.S.C. 1431 et seq.), the United States International
31 Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.), and the
32 Foreign Affairs Reform and Restructuring Act of 1998 (22
33 U.S.C. 6501 et seq.), and to carry out other activities under
34 this section consistent with the purposes of such Acts, the fol-
35 lowing amounts:

36 (1) INTERNATIONAL BROADCASTING OPERATIONS.—

37 For International Broadcasting Operations—

1 (A) \$717,160,000 for fiscal year 2005; and
2 (B) such sums as may be necessary for each of the
3 fiscal years 2006 through 2009.

4 (2) BROADCASTING CAPITAL IMPROVEMENTS.—For
5 Broadcasting Capital Improvements—

6 (A) \$11,040,000 for fiscal year 2005; and
7 (B) such sums as may be necessary for each of the
8 fiscal years 2006 through 2009.

9 **SEC. 708. USE OF UNITED STATES SCHOLARSHIP AND**
10 **EXCHANGE PROGRAMS IN THE ISLAMIC**
11 **WORLD.**

12 (a) FINDINGS.—Consistent with the report of the National
13 Commission on Terrorist Attacks Upon the United States, Con-
14 gress makes the following findings:

15 (1) Exchange, scholarship, and library programs are
16 effective ways for the United States Government to pro-
17 mote internationally the values and ideals of the United
18 States.

19 (2) Exchange, scholarship, and library programs can
20 expose young people from other countries to United States
21 values and offer them knowledge and hope.

22 (b) SENSE OF CONGRESS.—It is the sense of Congress
23 that the United States should expand its exchange, scholarship,
24 and library programs, especially those that benefit people in the
25 Arab and Muslim worlds.

26 (c) DEFINITIONS.—In this section:

27 (1) ELIGIBLE COUNTRY.—The term “eligible country”
28 means a country or entity in Africa, the Middle East, Cen-
29 tral Asia, South Asia, or Southeast Asia that—

30 (A) has a sizable Muslim population; and

31 (B) is designated by the Secretary of State as eli-
32 gible to participate in programs under this section.

33 (2) SECRETARY.—Except as otherwise specifically pro-
34 vided, the term “Secretary” means the Secretary of State.

35 (3) UNITED STATES ENTITY.—The term “United
36 States entity” means an entity that is organized under the
37 laws of the United States, any State, the District of Colum-

1 bia, the Commonwealth of Puerto Rico, Guam, the United
2 States Virgin Islands, the Commonwealth of the Northern
3 Mariana Islands, American Samoa, or any other territory
4 or possession of the United States.

5 (4) UNITED STATES SPONSORING ORGANIZATION.—
6 The term “United States sponsoring organization” means
7 a nongovernmental organization that is—

8 (A) based in the United States; and

9 (B) controlled by a citizen of the United States or
10 a United States entity that is designated by the Sec-
11 retary, pursuant to regulations, to carry out a program
12 authorized by subsection (e).

13 (d) EXPANSION OF EDUCATIONAL AND CULTURAL EX-
14 CHANGES.—

15 (1) PURPOSE.—The purpose of this subsection is to
16 provide for the expansion of international educational and
17 cultural exchange programs between the United States and
18 eligible countries.

19 (2) SPECIFIC PROGRAMS.—In carrying out this sub-
20 section, the Secretary is authorized to conduct or initiate
21 programs in eligible countries as follows:

22 (A) FULBRIGHT EXCHANGE PROGRAM.—

23 (i) INCREASED NUMBER OF AWARDS.—The
24 Secretary is authorized to substantially increase the
25 number of awards under the J. William Fulbright
26 Educational Exchange Program.

27 (ii) INTERNATIONAL SUPPORT FOR FUL-
28 BRIGHT PROGRAM.—The Secretary shall work to
29 increase support for the J. William Fulbright Edu-
30 cational Exchange Program in eligible countries in
31 order to enhance academic and scholarly exchanges
32 with those countries.

33 (B) HUBERT H. HUMPHREY FELLOWSHIPS.—The
34 Secretary is authorized to substantially increase the
35 number of Hubert H. Humphrey Fellowships awarded
36 to candidates from eligible countries.

1 (C) SISTER INSTITUTIONS PROGRAMS.—The Sec-
2 retary is authorized to facilitate the establishment of
3 sister institution programs between cities and munic-
4 ipalities and other institutions in the United States and
5 in eligible countries in order to enhance mutual under-
6 standing at the community level.

7 (D) LIBRARY TRAINING EXCHANGES.—The Sec-
8 retary is authorized to develop a demonstration pro-
9 gram, including training in the library sciences, to as-
10 sist governments in eligible countries to establish or up-
11 grade the public library systems of such countries for
12 the purpose of improving literacy.

13 (E) INTERNATIONAL VISITORS PROGRAM.—The
14 Secretary is authorized to expand the number of par-
15 ticipants from eligible countries in the International
16 Visitors Program.

17 (F) YOUTH AMBASSADORS.—

18 (i) IN GENERAL.—The Secretary is authorized
19 to establish a youth ambassadors program for visits
20 by middle and secondary school students from eligi-
21 ble countries to the United States to participate in
22 activities, including cultural and educational activi-
23 ties, that are designed to familiarize participating
24 students with United States society and values.

25 (ii) VISITS.—The visits of students who are
26 participating in the youth ambassador program
27 under clause (i) shall be scheduled during the
28 school holidays in the home countries of the stu-
29 dents and may not exceed 4 weeks.

30 (iii) CRITERIA.—Students selected to partici-
31 pate in the youth ambassador program shall reflect
32 the economic and geographic diversity of eligible
33 countries.

34 (G) EDUCATION REFORM.—The Secretary is
35 authorized—

1 (i) to expand programs that seek to improve
2 the quality of primary and secondary school sys-
3 tems in eligible countries; and

4 (ii) in order to foster understanding of the
5 United States, to promote civic education through
6 teacher exchanges, teacher training, textbook mod-
7 ernization, and other efforts.

8 (H) PROMOTION OF RELIGIOUS FREEDOM.—The
9 Secretary is authorized to establish a program to pro-
10 mote dialogue and exchange among leaders and schol-
11 ars of all faiths from the United States and eligible
12 countries.

13 (I) BRIDGING THE DIGITAL DIVIDE.—The Sec-
14 retary is authorized to establish a program to help fos-
15 ter access to information technology among under-
16 served populations and by civil society groups in eligible
17 countries.

18 (J) PEOPLE-TO-PEOPLE DIPLOMACY.—The Sec-
19 retary is authorized to expand efforts to promote
20 United States public diplomacy interests in eligible
21 countries through cultural, arts, entertainment, sports
22 and other exchanges.

23 (K) COLLEGE SCHOLARSHIPS.—

24 (i) IN GENERAL.—The Secretary is authorized
25 to establish a program to offer scholarships to per-
26 mit individuals to attend eligible colleges and uni-
27 versities.

28 (ii) ELIGIBILITY FOR PROGRAM.—To be eligi-
29 ble for the scholarship program, an individual shall
30 be a citizen or resident of an eligible country who
31 has graduated from a secondary school in an eligi-
32 ble country.

33 (iii) ELIGIBLE COLLEGE OR UNIVERSITY DE-
34 FINED.—In this subparagraph, the term “eligible
35 college or university” means a college or university
36 that is organized under the laws of the United
37 States, a State, or the District of Columbia, ac-

1 credited by an accrediting agency recognized by the
2 Secretary of Education, and primarily located in,
3 but not controlled by, an eligible country.

4 (L) LANGUAGE TRAINING PROGRAM.—The Sec-
5 retary is authorized to provide travel and subsistence
6 funding for students who are United States citizens to
7 travel to eligible countries to participate in immersion
8 training programs in languages used in such countries
9 and to develop regulations governing the provision of
10 such funding.

11 (e) SECONDARY SCHOOL EXCHANGE PROGRAM.—

12 (1) IN GENERAL.—The Secretary is authorized to es-
13 tablish an international exchange visitor program, modeled
14 on the Future Leaders Exchange Program established
15 under the FREEDOM Support Act (22 U.S.C. 5801 et
16 seq.), for eligible students to—

17 (A) attend public secondary school in the United
18 States;

19 (B) live with a host family in the United States;
20 and

21 (C) participate in activities designed to promote a
22 greater understanding of United States and Islamic
23 values and culture.

24 (2) ELIGIBLE STUDENT DEFINED.—In this subsection,
25 the term “eligible student” means an individual who—

26 (A) is a national of an eligible country;

27 (B) is at least 15 years of age but not more than
28 18 years and 6 months of age at the time of enrollment
29 in the program;

30 (C) is enrolled in a secondary school in an eligible
31 country;

32 (D) has completed not more than 11 years of pri-
33 mary and secondary education, exclusive of kinder-
34 garten;

35 (E) demonstrates maturity, good character, and
36 scholastic aptitude, and has the proficiency in the

1 English language necessary to participate in the pro-
2 gram;

3 (F) has not previously participated in an exchange
4 program in the United States sponsored by the Govern-
5 ment of the United States; and

6 (G) is not prohibited from entering the United
7 States under any provision of the Immigration and Na-
8 tionality Act (8 U.S.C. 1101 et seq.) or any other pro-
9 vision of law related to immigration and nationality.

10 (3) COMPLIANCE WITH VISA REQUIREMENTS.—An eli-
11 gible student may not participate in the exchange visitor
12 program authorized by paragraph (1) unless the eligible
13 student has the status of nonimmigrant under section
14 101(a)(15)(J) of the Immigration and Nationality Act (8
15 U.S.C. 1101(a)(15)(J)).

16 (4) BROAD PARTICIPATION.—Whenever appropriate,
17 the Secretary shall make special provisions to ensure the
18 broadest possible participation in the exchange visitor pro-
19 gram authorized by paragraph (1), particularly among fe-
20 males and less advantaged citizens of eligible countries.

21 (5) DESIGNATED EXCHANGE VISITOR PROGRAM.—The
22 exchange visitor program authorized by paragraph (1) shall
23 be a designated exchange visitor program for the purposes
24 of section 641 of the Illegal Immigration Reform and Im-
25 migrant Responsibility Act of 1996 (8 U.S.C. 1372).

26 (6) REGULAR REPORTING TO THE SECRETARY.—If the
27 Secretary utilizes a United States sponsoring organization
28 to carry out the exchange visitor program authorized by
29 paragraph (1), such United States sponsoring organization
30 shall report regularly to the Secretary on the progress it
31 has made to implement such program.

32 (f) REPORT ON EXPEDITING VISAS FOR PARTICIPANTS IN
33 EXCHANGE, SCHOLARSHIP, AND VISITORS PROGRAMS.—

34 (1) REQUIREMENT.—Not later than 180 days after
35 the date of the enactment of this Act, the Secretary and
36 the Secretary of Homeland Security shall submit to Con-
37 gress a report on expediting the issuance of visas to indi-

viduals who are entering the United States for the purpose of participating in a scholarship, exchange, or visitor program authorized in subsection (d) or (e) without compromising the security of the United States.

(2) RECOMMENDATIONS.—The report required by paragraph (1) shall include—

(A) the recommendations of the Secretary and the Secretary of Homeland Security, if any, for methods to expedite the processing of requests for such visas; and

(B) a proposed schedule for implementing any recommendations described in subparagraph (A).

(g) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for educational and cultural exchange programs for fiscal year 2005, there is authorized to be appropriated to the Department of State \$60,000,000 to carry out programs under this section.

SEC. 709. INTERNATIONAL YOUTH OPPORTUNITY FUND.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Education that teaches tolerance, the dignity and value of each individual, and respect for different beliefs is a key element in any global strategy to eliminate Islamist terrorism.

(2) Education in the Middle East about the world outside that region is weak.

(3) The United Nations has rightly equated literacy with freedom.

(4) The international community is moving toward setting a concrete goal of reducing by half the illiteracy rate in the Middle East by 2010, through the implementation of education programs targeting women and girls and programs for adult literacy, and by other means.

(5) To be effective, the effort to improve education in the Middle East must also include—

(A) support for the provision of basic education tools, such as textbooks that translate more of the

1 world's knowledge into local languages and local librar-
2 ies to house such materials; and

3 (B) more vocational education in trades and busi-
4 ness skills.

5 (6) The Middle East can benefit from some of the
6 same programs to bridge the digital divide that already
7 have been developed for other regions of the world.

8 (b) INTERNATIONAL YOUTH OPPORTUNITY FUND.—

9 (1) ESTABLISHMENT.—

10 (A) IN GENERAL.—The President shall establish
11 an International Youth Opportunity Fund (hereafter in
12 this section referred to as the “Fund”).

13 (B) INTERNATIONAL PARTICIPATION.—The Presi-
14 dent shall seek the cooperation of the international
15 community in establishing and generously supporting
16 the Fund.

17 (2) PURPOSE.—The purpose of the Fund shall be to
18 provide financial assistance for the improvement of public
19 education in the Middle East, including assistance for the
20 construction and operation of primary and secondary
21 schools in countries that have a sizable Muslim population
22 and that commit to sensibly investing their own financial
23 resources in public education.

24 (3) ELIGIBILITY FOR ASSISTANCE.—

25 (A) DETERMINATION.—The Secretary of State, in
26 coordination with the Administrator of the United
27 States Agency for International Development, shall de-
28 termine which countries are eligible for assistance
29 through the Fund.

30 (B) CRITERIA.—In determining whether a country
31 is eligible for assistance, the Secretary shall consider
32 whether the government of that country is sensibly in-
33 vesting financial resources in public education and is
34 committed to promoting a system of education that
35 teaches tolerance, the dignity and value of each indi-
36 vidual, and respect for different beliefs.

1 (4) USE OF FUNDS.—Financial assistance provided
2 through the Fund shall be used for expanding literacy pro-
3 grams, providing textbooks, reducing the digital divide, ex-
4 panding vocational and business education, constructing
5 and operating public schools, establishing local libraries,
6 training teachers in modern education techniques, and pro-
7 moting public education that teaches tolerance, the dignity
8 and value of each individual, and respect for different be-
9 liefs.

10 (c) REPORT.—

11 (1) IN GENERAL.—Not later than 180 days after the
12 date of the enactment of this Act, and annually thereafter,
13 the Secretary of State and the Administrator of the United
14 States Agency for International Development shall jointly
15 prepare and submit to Congress a report on the improve-
16 ment of education in the Middle East.

17 (2) CONTENT.—Reports submitted under this sub-
18 section shall include the following:

19 (A) A general strategy for working with eligible
20 host governments in the Middle East toward estab-
21 lishing the International Youth Opportunity Fund and
22 related programs.

23 (B) A listing of countries that are eligible for as-
24 sistance under such programs.

25 (C) A description of the specific programs initiated
26 in each eligible country and the amount expended in
27 support of such programs.

28 (D) A description of activities undertaken to close
29 the digital divide and expand vocational and business
30 skills in eligible countries.

31 (E) A listing of activities that could be undertaken
32 if additional funding were provided and the amount of
33 funding that would be necessary to carry out such ac-
34 tivities.

35 (F) A strategy for garnering programmatic and fi-
36 nancial support from international organizations and
37 other countries in support of the Fund and activities

1 related to the improvement of public education in eligi-
2 ble countries.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—There are au-
4 thorized to be appropriated to the President for the establish-
5 ment of the International Youth Opportunity Fund, in addition
6 to any amounts otherwise available for such purpose,
7 \$40,000,000 for fiscal year 2005 and such sums as may be
8 necessary for fiscal years 2006 through 2009.

9 **SEC. 710. REPORT ON THE USE OF ECONOMIC POLICIES**
10 **TO COMBAT TERRORISM.**

11 (a) FINDINGS.—Consistent with the report of the National
12 Commission on Terrorist Attacks Upon the United States, Con-
13 gress makes the following findings:

14 (1) While terrorism is not caused by poverty, breeding
15 grounds for terrorism are created by backward economic
16 policies and repressive political regimes.

17 (2) Policies that support economic development and
18 reform also have political implications, as economic and po-
19 litical liberties are often linked.

20 (3) The United States is working toward creating a
21 Middle East Free Trade Area by 2013 and implementing
22 a free trade agreement with Bahrain, and free trade agree-
23 ments exist between the United States and Israel and the
24 United States and Jordan.

25 (4) Existing and proposed free trade agreements be-
26 tween the United States and Islamic countries are drawing
27 interest from other countries in the Middle East region,
28 and Islamic countries can become full participants in the
29 rules-based global trading system, as the United States
30 considers lowering its barriers to trade with the poorest
31 Arab countries.

32 (b) SENSE OF CONGRESS.—It is the sense of Congress
33 that—

34 (1) a comprehensive United States strategy to counter
35 terrorism should include economic policies that encourage
36 development, open societies, and opportunities for people to

1 improve the lives of their families and to enhance prospects
2 for their children's future;

3 (2) 1 element of such a strategy should encompass the
4 lowering of trade barriers with the poorest countries that
5 have a significant population of Arab or Muslim individ-
6 uals;

7 (3) another element of such a strategy should encom-
8 pass United States efforts to promote economic reform in
9 countries that have a significant population of Arab or
10 Muslim individuals, including efforts to integrate such
11 countries into the global trading system; and

12 (4) given the importance of the rule of law in pro-
13 moting economic development and attracting investment,
14 the United States should devote an increased proportion of
15 its assistance to countries in the Middle East to the pro-
16 motion of the rule of law.

17 (c) REPORT.—

18 (1) IN GENERAL.—Not later than 180 days after the
19 date of the enactment of this Act, the President shall sub-
20 mit to Congress a report on the efforts of the United
21 States Government to encourage development and promote
22 economic reform in countries that have a significant popu-
23 lation of Arab or Muslim individuals.

24 (2) CONTENT.—The report required under this sub-
25 section shall describe—

26 (A) efforts to integrate countries with significant
27 populations of Arab or Muslim individuals into the
28 global trading system; and

29 (B) actions that the United States Government,
30 acting alone and in partnership with other governments
31 in the Middle East, can take to promote intra-regional
32 trade and the rule of law in the region.

33 **SEC. 711. MIDDLE EAST PARTNERSHIP INITIATIVE.**

34 (a) AUTHORIZATION OF APPROPRIATIONS.—There is au-
35 thorized to be appropriated for fiscal year 2005 \$200,000,000
36 for the Middle East Partnership Initiative.

1 (b) SENSE OF CONGRESS.—It is the sense of Congress
2 that, given the importance of the rule of law and economic re-
3 form to development in the Middle East, a significant portion
4 of the funds authorized to be appropriated under subsection (a)
5 should be made available to promote the rule of law in the Mid-
6 dle East.

7 **SEC. 712. COMPREHENSIVE COALITION STRATEGY FOR**
8 **FIGHTING TERRORISM.**

9 (a) FINDINGS.—Consistent with the report of the National
10 Commission on Terrorist Attacks Upon the United States, Con-
11 gress makes the following findings:

12 (1) Almost every aspect of the counterterrorism strat-
13 egy of the United States relies on international cooperation.

14 (2) Since September 11, 2001, the number and scope
15 of United States Government contacts with foreign govern-
16 ments concerning counterterrorism have expanded signifi-
17 cantly, but such contacts have often been ad hoc and not
18 integrated as a comprehensive and unified approach.

19 (b) INTERNATIONAL CONTACT GROUP ON
20 COUNTERTERRORISM.—

21 (1) SENSE OF CONGRESS.—It is the sense of Congress
22 that the President—

23 (A) should seek to engage the leaders of the gov-
24 ernments of other countries in a process of advancing
25 beyond separate and uncoordinated national
26 counterterrorism strategies to develop with those other
27 governments a comprehensive coalition strategy to fight
28 Islamist terrorism; and

29 (B) to that end, should seek to establish an inter-
30 national counterterrorism policy contact group with the
31 leaders of governments providing leadership in global
32 counterterrorism efforts and governments of countries
33 with sizable Muslim populations, to be used as a ready
34 and flexible international means for discussing and co-
35 ordinating the development of important
36 counterterrorism policies by the participating govern-
37 ments.

(2) AUTHORITY.—The President is authorized to establish an international counterterrorism policy contact group with the leaders of governments referred to in paragraph (1) for purposes as follows:

(A) To develop in common with such other countries important policies and a strategy that address the various components of international prosecution of the war on terrorism, including policies and a strategy that address military issues, law enforcement, the collection, analysis, and dissemination of intelligence, issues relating to interdiction of travel by terrorists, counterterrorism-related customs issues, financial issues, and issues relating to terrorist sanctuaries.

(B) To address, to the extent (if any) that the President and leaders of other participating governments determine appropriate, such long-term issues as economic and political reforms that can contribute to strengthening stability and security in the Middle East.

SEC. 713. DETENTION AND HUMANE TREATMENT OF CAPTURED TERRORISTS.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Carrying out the global war on terrorism requires the development of policies with respect to the detention and treatment of captured international terrorists that is adhered to by all coalition forces.

(2) Article 3 of the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316) was specifically designed for cases in which the usual rules of war do not apply, and the minimum standards of treatment pursuant to such Article are generally accepted throughout the world as customary international law.

(b) DEFINITIONS.—In this section:

(1) CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT.—The term “cruel, inhuman, or degrading

1 treatment or punishment” means the cruel, unusual, and
2 inhumane treatment or punishment prohibited by the 5th
3 amendment, 8th amendment, or 14th amendment to the
4 Constitution.

5 (2) GENEVA CONVENTIONS.—The term “Geneva Con-
6 ventions” means—

7 (A) the Convention for the Amelioration of the
8 Condition of the Wounded and Sick in Armed Forces
9 in the Field, done at Geneva August 12, 1949 (6 UST
10 3114);

11 (B) the Convention for the Amelioration of the
12 Condition of the Wounded, Sick, and Shipwrecked
13 Members of Armed Forces at Sea, done at Geneva Au-
14 gust 12, 1949 (6 UST 3217);

15 (C) the Convention Relative to the Treatment of
16 Prisoners of War, done at Geneva August 12, 1949 (6
17 UST 3316); and

18 (D) the Convention Relative to the Protection of
19 Civilian Persons in Time of War, done at Geneva Au-
20 gust 12, 1949 (6 UST 3516).

21 (3) PRISONER.—The term “prisoner” means a foreign
22 individual captured, detained, interned, or otherwise held in
23 the custody of the United States.

24 (4) SECRETARY.—The term “Secretary” means the
25 Secretary of Defense.

26 (5) TORTURE.—The term “torture” has the meaning
27 given that term in section 2340 of title 18, United States
28 Code.

29 (c) SENSE OF CONGRESS.—It is the sense of Congress
30 that—

31 (1) the United States should engage countries that are
32 participating in the coalition to fight terrorism to develop
33 a common approach toward the detention and humane
34 treatment of captured international terrorists; and

35 (2) an approach toward the detention and humane
36 treatment of captured international terrorists developed by
37 the countries participating in the coalition to fight ter-

rorism could draw upon Article 3 of the Convention Relative to the Treatment of Prisoners of War, the principles of which are commonly accepted as minimum basic standards for humane treatment of captured individuals.

(d) POLICY.—It is the policy of the United States—

(1) to treat any prisoner humanely and in accordance with standards that the Government of the United States would determine to be consistent with international law if such standards were applied to personnel of the United States captured by an enemy in the war on terrorism;

(2) if there is any doubt as to whether a prisoner is entitled to the protections afforded by the Geneva Conventions, to provide the prisoner such protections until the status of the prisoner is determined under the procedures authorized by paragraph 1–6 of Army Regulation 190–8 (1997); and

(3) to expeditiously prosecute cases of terrorism or other criminal acts alleged to have been committed by prisoners in the custody of the United States Armed Forces at Guantanamo Bay, Cuba, in order to avoid the indefinite detention of such prisoners.

(e) PROHIBITION ON TORTURE OR CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT.—

(1) IN GENERAL.—No prisoner shall be subject to torture or cruel, inhuman, or degrading treatment or punishment that is prohibited by the Constitution, laws, or treaties of the United States.

(2) RELATIONSHIP TO GENEVA CONVENTIONS.—Nothing in this section shall affect the status of any person under the Geneva Conventions or whether any person is entitled to the protections of the Geneva Conventions.

(f) RULES, REGULATIONS, AND GUIDELINES.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prescribe the rules, regulations, or guidelines necessary to ensure compliance with the prohibition in subsection (e)(1) by the members of the Armed Forces of the United States

1 and by any person providing services to the Department of
2 Defense on a contract basis.

3 (2) REPORT TO CONGRESS.—The Secretary shall sub-
4 mit to Congress the rules, regulations, or guidelines pre-
5 scribed under paragraph (1), and any modifications to such
6 rules, regulations, or guidelines—

7 (A) not later than 30 days after the effective date
8 of such rules, regulations, guidelines, or modifications;
9 and

10 (B) in a manner and form that will protect the na-
11 tional security interests of the United States.

12 (g) REPORT ON POSSIBLE VIOLATIONS.—

13 (1) REQUIREMENT.—The Secretary shall submit, on a
14 timely basis and not less than twice each year, a report to
15 Congress on the circumstances surrounding any investiga-
16 tion of a possible violation of the prohibition in subsection
17 (e)(1) by a member of the Armed Forces of the United
18 States or by a person providing services to the Department
19 of Defense on a contract basis.

20 (2) FORM OF REPORT.—A report required under para-
21 graph (1) shall be submitted in a manner and form that—

22 (A) will protect the national security interests of
23 the United States; and

24 (B) will not prejudice any prosecution of an indi-
25 vidual involved in, or responsible for, a violation of the
26 prohibition in subsection (e)(1).

27 (h) REPORT ON A COALITION APPROACH TOWARD THE
28 DETENTION AND HUMANE TREATMENT OF CAPTURED TER-
29 RORISTS.—Not later than 180 days after the date of the enact-
30 ment of this Act, the President shall submit to Congress a re-
31 port describing the efforts of the United States Government to
32 develop an approach toward the detention and humane treat-
33 ment of captured international terrorists that will be adhered
34 to by all countries that are members of the coalition against
35 terrorism.

1 **SEC. 714. PROLIFERATION OF WEAPONS OF MASS DE-**
2 **STRUCTION.**

3 (a) FINDINGS.—Consistent with the report of the National
4 Commission on Terrorist Attacks Upon the United States, Con-
5 gress makes the following findings:

6 (1) Al Qaeda has tried to acquire or make weapons of
7 mass destruction since 1994 or earlier.

8 (2) The United States doubtless would be a prime tar-
9 get for use of any such weapon by al Qaeda.

10 (3) Although the United States Government has re-
11 doubled its international commitments to supporting the
12 programs for Cooperative Threat Reduction and other non-
13 proliferation assistance programs, nonproliferation experts
14 continue to express deep concern about the United States
15 Government's commitment and approach to securing the
16 weapons of mass destruction and related highly dangerous
17 materials that are still scattered among Russia and other
18 countries of the former Soviet Union.

19 (4) The cost of increased investment in the prevention
20 of proliferation of weapons of mass destruction and related
21 dangerous materials is greatly outweighed by the poten-
22 tially catastrophic cost to the United States of use of weap-
23 ons of mass destruction or related dangerous materials by
24 the terrorists who are so eager to acquire them.

25 (b) SENSE OF CONGRESS.—It is the sense of Congress
26 that—

27 (1) maximum effort to prevent the proliferation of
28 weapons of mass destruction, wherever such proliferation
29 may occur, is warranted; and

30 (2) the programs of the United States Government to
31 prevent or counter the proliferation of weapons of mass de-
32 struction, including the Proliferation Security Initiative, the
33 programs for Cooperative Threat Reduction, and other
34 nonproliferation assistance programs, should be expanded,
35 improved, and better funded to address the global dimen-
36 sions of the proliferation threat.

(c) REQUIREMENT FOR STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress—

(1) a strategy for expanding and strengthening the Proliferation Security Initiative, the programs for Cooperative Threat Reduction, and other nonproliferation assistance programs; and

(2) an estimate of the funding necessary to execute that strategy.

(d) REPORT ON REFORMING THE COOPERATIVE THREAT REDUCTION PROGRAM AND OTHER NON-PROLIFERATION ASSISTANCE PROGRAMS.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report evaluating whether the United States could more effectively address the global threat of nuclear proliferation by—

(1) establishing a central coordinator for the programs for Cooperative Threat Reduction;

(2) eliminating the requirement that the President spend no more than \$50,000,000 annually on programs for Cooperative Threat Reduction and other non-proliferation assistance programs carried out outside the former Soviet Union; or

(3) repealing the provisions of the Soviet Nuclear Threat Reduction Act of 1991 (22 U.S.C. 2551 note) that place conditions on assistance to the former Soviet Union unrelated to bilateral cooperation on weapons dismantlement.

SEC. 715. FINANCING OF TERRORISM.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) While efforts to designate and freeze the assets of terrorist financiers have been relatively unsuccessful, efforts to target the relatively small number of al Qaeda financial facilitators have been valuable and successful.

(2) The death or capture of several important financial facilitators has decreased the amount of money available to al Qaeda, and has made it more difficult for al Qaeda to raise and move money.

(3) The capture of al Qaeda financial facilitators has provided a windfall of intelligence that can be used to continue the cycle of disruption.

(4) The United States Government has rightly recognized that information about terrorist money helps in understanding terror networks, searching them out, and disrupting their operations.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the primary weapon in the effort to stop terrorist financing should be the targeting of terrorist financial facilitators by intelligence and law enforcement agencies; and

(2) efforts to track terrorist financing must be paramount in United States counter-terrorism efforts.

(c) REPORT ON TERRORIST FINANCING.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report evaluating the effectiveness of United States efforts to curtail the international financing of terrorism.

(2) CONTENTS.—The report required by paragraph (1) shall evaluate and make recommendations on—

(A) the effectiveness of efforts and methods to track terrorist financing;

(B) ways to improve international governmental cooperation in this effort;

(C) ways to improve performance of financial institutions in this effort;

(D) the adequacy of agency coordination in this effort and ways to improve that coordination; and

(E) recommendations for changes in law and additional resources required to improve this effort.

TITLE VIII—TERRORIST TRAVEL AND EFFECTIVE SCREENING

SEC. 801. COUNTERTERRORIST TRAVEL INTELLIGENCE.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Travel documents are as important to terrorists as weapons since terrorists must travel clandestinely to meet, train, plan, case targets, and gain access to attack sites.

(2) International travel is dangerous for terrorists because they must surface to pass through regulated channels, present themselves to border security officials, or attempt to circumvent inspection points.

(3) Terrorists use evasive, but detectable, methods to travel, such as altered and counterfeit passports and visas, specific travel methods and routes, liaisons with corrupt government officials, human smuggling networks, supportive travel agencies, and immigration and identity fraud.

(4) Before September 11, 2001, no Federal agency systematically analyzed terrorist travel strategies. If an agency had done so, the agency could have discovered the ways in which the terrorist predecessors to al Qaeda had been systematically, but detectably, exploiting weaknesses in our border security since the early 1990s.

(5) Many of the hijackers were potentially vulnerable to interception by border authorities. Analyzing their characteristic travel documents and travel patterns could have allowed authorities to intercept some of the hijackers and a more effective use of information available in Government databases could have identified some of the hijackers.

(6) The routine operations of our immigration laws and the aspects of those laws not specifically aimed at protecting against terrorism inevitably shaped al Qaeda's planning and opportunities.

(7) New insights into terrorist travel gained since September 11, 2001, have not been adequately integrated into the front lines of border security.

(8) The small classified terrorist travel intelligence collection and analysis program currently in place has produced useful results and should be expanded.

(b) STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall submit to Congress unclassified and classified versions of a strategy for combining terrorist travel intelligence, operations, and law enforcement into a cohesive effort to intercept terrorists, find terrorist travel facilitators, and constrain terrorist mobility domestically and internationally. The report to Congress should include a description of the actions taken to implement the strategy.

(2) ACCOUNTABILITY.—The strategy submitted under paragraph (1) shall—

(A) describe a program for collecting, analyzing, disseminating, and utilizing information and intelligence regarding terrorist travel tactics and methods; and

(B) outline which Federal intelligence, diplomatic, and law enforcement agencies will be held accountable for implementing each element of the strategy.

(3) COORDINATION.—The strategy shall be developed in coordination with all relevant Federal agencies, including—

(A) the National Counterterrorism Center;

(B) the Department of Transportation;

(C) the Department of State;

(D) the Department of the Treasury;

(E) the Department of Justice;

(F) the Department of Defense;

(G) the Federal Bureau of Investigation;

(H) the Drug Enforcement Agency; and

1 (I) the agencies that comprise the intelligence
2 community.

3 (4) CONTENTS.—The strategy shall address—

4 (A) the intelligence and law enforcement collection,
5 analysis, operations, and reporting required to identify
6 and disrupt terrorist travel practices and trends, and
7 the terrorist travel facilitators, document forgers,
8 human smugglers, travel agencies, and corrupt border
9 and transportation officials who assist terrorists;

10 (B) the initial and ongoing training and training
11 materials required by consular, border, and immigra-
12 tion officials to effectively detect and disrupt terrorist
13 travel described under subsection (c)(3);

14 (C) the new procedures required and actions to be
15 taken to integrate existing counterterrorist travel and
16 mobility intelligence into border security processes, in-
17 cluding consular, port of entry, border patrol, maritime,
18 immigration benefits, and related law enforcement ac-
19 tivities;

20 (D) the actions required to integrate current ter-
21 rorist mobility intelligence into military force protection
22 measures;

23 (E) the additional assistance to be given to the
24 interagency Human Smuggling and Trafficking Center
25 for purposes of combatting terrorist travel, including
26 further developing and expanding enforcement and
27 operational capabilities that address terrorist travel;

28 (F) the additional resources to be given to the Di-
29 rectorate of Information and Analysis and Infrastruc-
30 ture Protection to aid in the sharing of information be-
31 tween the frontline border agencies of the Department
32 of Homeland Security and classified and unclassified
33 sources of counterterrorist travel intelligence and infor-
34 mation elsewhere in the Federal Government, including
35 the Human Smuggling and Trafficking Center;

36 (G) the development and implementation of proce-
37 dures to enable the Human Smuggling and Trafficking

Center to timely receive terrorist travel intelligence and documentation obtained at consulates and ports of entry, and by law enforcement officers and military personnel;

(H) the use of foreign and technical assistance to advance border security measures and law enforcement operations against terrorist travel facilitators;

(I) the development of a program to provide each consular, port of entry, and immigration benefits office with a counterterrorist travel expert trained and authorized to use the relevant authentication technologies and cleared to access all appropriate immigration, law enforcement, and intelligence databases;

(J) the feasibility of digitally transmitting passport information to a central cadre of specialists until such time as experts described under subparagraph (I) are available at consular, port of entry, and immigration benefits offices; and

(K) granting consular officers the security clearances necessary to access law enforcement sensitive databases.

(c) FRONTLINE COUNTERTERRORIST TRAVEL TECHNOLOGY AND TRAINING.—

(1) TECHNOLOGY ACQUISITION AND DISSEMINATION PLAN.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, in conjunction with the Secretary of State, shall submit to Congress a plan describing how the Department of Homeland Security and the Department of State can acquire and deploy, to all consulates, ports of entry, and immigration benefits offices, technologies that facilitate document authentication and the detection of potential terrorist indicators on travel documents.

(2) CONTENTS OF PLAN.—The plan submitted under paragraph (1) shall—

(A) outline the timetable needed to acquire and deploy the authentication technologies;

1 (B) identify the resources required to—
2 (i) fully disseminate these technologies; and
3 (ii) train personnel on use of these tech-
4 nologies; and

5 (C) address the feasibility of using these tech-
6 nologies to screen every passport submitted for identi-
7 fication purposes to a United States consular, border,
8 or immigration official.

9 (3) TRAINING PROGRAM.—

10 (A) IN GENERAL.—The Secretary of Homeland
11 Security and the Secretary of State shall develop and
12 implement an initial and annual training program for
13 consular, border, and immigration officials to teach
14 such officials how to effectively detect and disrupt ter-
15 rorist travel. The Secretary may assist State, local, and
16 tribal governments, and private industry, in estab-
17 lishing training programs related to terrorist travel in-
18 telligence.

19 (B) TRAINING TOPICS.—The training developed
20 under this paragraph shall include training in—

21 (i) methods for identifying fraudulent docu-
22 ments;

23 (ii) detecting terrorist indicators on travel doc-
24 uments;

25 (iii) recognizing travel patterns, tactics, and
26 behaviors exhibited by terrorists;

27 (iv) the use of information contained in avail-
28 able databases and data systems and procedures to
29 maintain the accuracy and integrity of such sys-
30 tems; and

31 (v) other topics determined necessary by the
32 Secretary of Homeland Security and the Secretary
33 of State.

34 (C) CERTIFICATION.—Not later than 1 year after
35 the date of enactment of this Act—

36 (i) the Secretary of Homeland Security shall
37 certify to Congress that all border and immigration

officials have received training under this paragraph; and

(ii) the Secretary of State shall certify to Congress that all consular officers have received training under this paragraph.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2005 through 2009 such sums as may be necessary to carry out the provisions of this subsection.

(d) ENHANCING CLASSIFIED COUNTERTERRORIST TRAVEL EFFORTS.—

(1) IN GENERAL.—The National Intelligence Director shall significantly increase resources and personnel to the small classified program that collects and analyzes intelligence on terrorist travel.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of the fiscal years 2005 through 2009 such sums as may be necessary to carry out this subsection.

SEC. 802. INTEGRATED SCREENING SYSTEM.

(a) IN GENERAL.—The Secretary of Homeland Security shall develop a plan for a comprehensive integrated screening system.

(b) DESIGN.—The system planned under subsection (a) shall be designed to—

(1) encompass an integrated network of screening points that includes the Nation's border security system, transportation system, and critical infrastructure or facilities that the Secretary determines need to be protected against terrorist attack;

(2) build upon existing border enforcement and security activities, and to the extent practicable, private sector security initiatives, in a manner that will enable the utilization of a range of security check points in a continuous and consistent manner throughout the Nation's screening system;

1 (3) allow access to government databases to detect ter-
2 rorists; and

3 (4) utilize biometric identifiers that the Secretary de-
4 termines to be appropriate and feasible.

5 (c) STANDARDS FOR SCREENING PROCEDURES.—

6 (1) AUTHORIZATION.—The Secretary may promulgate
7 standards for screening procedures for—

8 (A) entering and leaving the United States;

9 (B) accessing Federal facilities that the Secretary
10 determines need to be protected against terrorist at-
11 tack;

12 (C) accessing critical infrastructure that the Sec-
13 retary determines need to be protected against terrorist
14 attack; and

15 (D) accessing modes of transportation that the
16 Secretary determines need to be protected against ter-
17 rorist attack.

18 (2) SCOPE.—Standards prescribed under this sub-
19 section may address a range of factors, including tech-
20 nologies required to be used in screening and requirements
21 for secure identification.

22 (3) REQUIREMENTS.—In promulgating standards for
23 screening procedures, the Secretary shall—

24 (A) consider and incorporate appropriate civil lib-
25 erties and privacy protections;

26 (B) comply with the Administrative Procedure
27 Act; and

28 (C) consult with other Federal, State, local, and
29 tribal governments, and other interested parties, as ap-
30 propriate.

31 (4) LIMITATION.—This section does not confer to the
32 Secretary new statutory authority, or alter existing authori-
33 ties, over systems, critical infrastructure, and facilities.

34 (5) NOTIFICATION.—If the Secretary determines that
35 additional regulatory authority is needed to fully implement
36 the plan for an integrated screening system, the Secretary
37 shall immediately notify Congress.

1 (d) COMPLIANCE.—The Secretary may issue regulations to
2 ensure compliance with the standards promulgated under this
3 section.

4 (e) CONSULTATION.—For those systems, critical infra-
5 structure, and facilities that the Secretary determines need to
6 be protected against terrorist attack, the Secretary shall con-
7 sult with other Federal agencies, State, local, and tribal govern-
8 ments, and the private sector to ensure the development of con-
9 sistent standards and consistent implementation of the inte-
10 grated screening system.

11 (f) BIOMETRIC IDENTIFIERS.—In carrying out this sec-
12 tion, the Secretary shall continue to review biometric tech-
13 nologies and existing Federal and State programs using bio-
14 metric identifiers. Such review shall consider the accuracy rate
15 of available technologies.

16 (g) IMPLEMENTATION.—

17 (1) PHASE I.—The Secretary shall—

18 (A) issue standards for driver's licenses, personal
19 identification cards, and birth certificates, as required
20 under section 806;

21 (B) develop plans for, and begin implementation
22 of, a single program for registered travelers to expedite
23 travel across the border, as required under section
24 803(e);

25 (C) continue the implementation of a biometric
26 exit and entry data system that links to relevant data-
27 bases and data systems, as required by subsections (b)
28 and (c) of section 803 and other existing authorities;

29 (D) centralize the “no-fly” and “automatic-se-
30 lectee” lists, making use of improved terrorists watch
31 lists, as required by section 903;

32 (E) develop plans, in consultation with other rel-
33 evant agencies, for the sharing of terrorist information
34 with trusted governments, as required by section 805;

35 (F) initiate any other action determined appro-
36 priate by the Secretary to facilitate the implementation
37 of this paragraph; and

(G) report to Congress on the implementation of phase I, including—

(i) the effectiveness of actions taken, the efficacy of resources expended, compliance with statutory provisions, and safeguards for privacy and civil liberties; and

(ii) plans for the development and implementation of phases II and III.

(2) PHASE II.—The Secretary shall—

(A) complete the implementation of a single program for registered travelers to expedite travel across the border, as required by section 803(e);

(B) complete the implementation of a biometric entry and exit data system that links to relevant databases and data systems, as required by subsections (b) and (c) of section 803, and other existing authorities;

(C) in cooperation with other relevant agencies, engage in dialogue with foreign governments to develop plans for the use of common screening standards;

(D) initiate any other action determined appropriate by the Secretary to facilitate the implementation of this paragraph; and

(E) report to Congress on the implementation of phase II, including—

(i) the effectiveness of actions taken, the efficacy of resources expended, compliance with statutory provisions, and safeguards for privacy and civil liberties; and

(ii) the plans for the development and implementation of phase III.

(3) PHASE III.—The Secretary shall—

(A) finalize and deploy the integrated screening system required by subsection (a);

(B) in cooperation with other relevant agencies, promote the implementation of common screening standards by foreign governments; and

1 (C) report to Congress on the implementation of
2 Phase III, including—

3 (i) the effectiveness of actions taken, the effi-
4 cacy of resources expended, compliance with statu-
5 tory provisions, and safeguards for privacy and civil
6 liberties; and

7 (ii) the plans for the ongoing operation of the
8 integrated screening system.

9 (h) REPORT.—After phase III has been implemented, the
10 Secretary shall submit a report to Congress every 3 years that
11 describes the ongoing operation of the integrated screening sys-
12 tem, including its effectiveness, efficient use of resources, com-
13 pliance with statutory provisions, and safeguards for privacy
14 and civil liberties.

15 (i) AUTHORIZATIONS.—There are authorized to be appro-
16 priated to the Secretary for each of the fiscal years 2005
17 through 2009, such sums as may be necessary to carry out the
18 provisions of this section.

19 **SEC. 803. BIOMETRIC ENTRY AND EXIT DATA SYSTEM.**

20 (a) FINDINGS.—Consistent with the report of the National
21 Commission on Terrorist Attacks Upon the United States, Con-
22 gress finds that completing a biometric entry and exit data sys-
23 tem as expeditiously as possible is an essential investment in
24 efforts to protect the United States by preventing the entry of
25 terrorists.

26 (b) PLAN AND REPORT.—

27 (1) DEVELOPMENT OF PLAN.—The Secretary of
28 Homeland Security shall develop a plan to accelerate the
29 full implementation of an automated biometric entry and
30 exit data system required by applicable sections of—

31 (A) the Illegal Immigration Reform and Immi-
32 grant Responsibility Act of 1996 (Public Law 104–
33 208);

34 (B) the Immigration and Naturalization Service
35 Data Management Improvement Act of 2000 (Public
36 Law 106–205);

1 (C) the Visa Waiver Permanent Program Act
2 (Public Law 106–396);

3 (D) the Enhanced Border Security and Visa Entry
4 Reform Act of 2002 (Public Law 107–173); and

5 (E) the Uniting and Strengthening America by
6 Providing Appropriate Tools Required to Intercept and
7 Obstruct Terrorism (USA PATRIOT ACT) Act of
8 2001 (Public Law 107–56).

9 (2) REPORT.—Not later than 180 days after the date
10 of enactment of this Act, the Secretary shall submit a re-
11 port to Congress on the plan developed under paragraph
12 (1), which shall contain—

13 (A) a description of the current functionality of
14 the entry and exit data system, including—

15 (i) a listing of ports of entry with biometric
16 entry data systems in use and whether such screen-
17 ing systems are located at primary or secondary in-
18 spection areas;

19 (ii) a listing of ports of entry with biometric
20 exit data systems in use;

21 (iii) a listing of databases and data systems
22 with which the automated entry and exit data sys-
23 tem are interoperable;

24 (iv) a description of—

25 (I) identified deficiencies concerning the
26 accuracy or integrity of the information con-
27 tained in the entry and exit data system;

28 (II) identified deficiencies concerning tech-
29 nology associated with processing individuals
30 through the system; and

31 (III) programs or policies planned or im-
32 plemented to correct problems identified in sub-
33 clause (I) or (II); and

34 (v) an assessment of the effectiveness of the
35 entry and exit data system in fulfilling its intended
36 purposes, including preventing terrorists from en-
37 tering the United States;

1 (B) a description of factors relevant to the acceler-
2 ated implementation of the biometric entry and exit
3 system, including—

4 (i) the earliest date on which the Secretary es-
5 timates that full implementation of the biometric
6 entry and exit data system can be completed;

7 (ii) the actions the Secretary will take to accel-
8 erate the full implementation of the biometric entry
9 and exit data system at all ports of entry through
10 which all aliens must pass that are legally required
11 to do so; and

12 (iii) the resources and authorities required to
13 enable the Secretary to meet the implementation
14 date described in clause (i);

15 (C) a description of any improvements needed in
16 the information technology employed for the entry and
17 exit data system; and

18 (D) a description of plans for improved or added
19 interoperability with any other databases or data sys-
20 tems.

21 (c) INTEGRATION REQUIREMENT.—Not later than 2 years
22 after the date of enactment of this Act, the Secretary shall in-
23 tegrate the biometric entry and exit data system with all data-
24 bases and data systems maintained by the United States Citi-
25 zenship and Immigration Services that process or contain infor-
26 mation on aliens.

27 (d) MAINTAINING ACCURACY AND INTEGRITY OF ENTRY
28 AND EXIT DATA SYSTEM.—

29 (1) IN GENERAL.—The Secretary, in consultation with
30 other appropriate agencies, shall establish rules, guidelines,
31 policies, and operating and auditing procedures for col-
32 lecting, removing, and updating data maintained in, and
33 adding information to, the entry and exit data system, and
34 databases and data systems linked to the entry and exit
35 data system, that ensure the accuracy and integrity of the
36 data.

1 (2) REQUIREMENTS.—The rules, guidelines, policies,
2 and procedures established under paragraph (1) shall—

3 (A) incorporate a simple and timely method for—

4 (i) correcting errors; and

5 (ii) clarifying information known to cause false
6 hits or misidentification errors; and

7 (B) include procedures for individuals to seek cor-
8 rections of data contained in the data systems.

9 (e) EXPEDITING REGISTERED TRAVELERS ACROSS INTER-
10 NATIONAL BORDERS.—

11 (1) FINDINGS.—Consistent with the report of the Na-
12 tional Commission on Terrorist Attacks Upon the United
13 States, Congress finds that—

14 (A) expediting the travel of previously screened
15 and known travelers across the borders of the United
16 States should be a high priority; and

17 (B) the process of expediting known travelers
18 across the border can permit inspectors to better focus
19 on identifying terrorists attempting to enter the United
20 States.

21 (2) DEFINITION.—The term “registered traveler pro-
22 gram” means any program designed to expedite the travel
23 of previously screened and known travelers across the bor-
24 ders of the United States.

25 (3) REGISTERED TRAVEL PLAN.—

26 (A) IN GENERAL.—As soon as is practicable, the
27 Secretary shall develop and implement a plan to expe-
28 dite the processing of registered travelers who enter
29 and exit the United States through a single registered
30 traveler program.

31 (B) INTEGRATION.—The registered traveler pro-
32 gram developed under this paragraph shall be inte-
33 grated into the automated biometric entry and exit
34 data system described in this section.

35 (C) REVIEW AND EVALUATION.—In developing the
36 program under this paragraph, the Secretary shall—

1 (i) review existing programs or pilot projects
2 designed to expedite the travel of registered trav-
3 elers across the borders of the United States;

4 (ii) evaluate the effectiveness of the programs
5 described in clause (i), the costs associated with
6 such programs, and the costs to travelers to join
7 such programs; and

8 (iii) increase research and development efforts
9 to accelerate the development and implementation
10 of a single registered traveler program.

11 (4) REPORT.—Not later than 1 year after the date of
12 enactment of this Act, the Secretary shall submit to Con-
13 gress a report describing the Department's progress on the
14 development and implementation of the plan required by
15 this subsection.

16 (e) AUTHORIZATION OF APPROPRIATIONS.—There are au-
17 thorized to be appropriated to the Secretary, for each of the
18 fiscal years 2005 through 2009, such sums as may be nec-
19 essary to carry out the provisions of this section.

20 **SEC. 804. TRAVEL DOCUMENTS.**

21 (a) FINDINGS.—Consistent with the report of the National
22 Commission on Terrorist Attacks Upon the United States, Con-
23 gress finds that—

24 (1) existing procedures allow many individuals to enter
25 the United States by showing minimal identification or
26 without showing any identification;

27 (2) the planning for the terrorist attacks of September
28 11, 2001, demonstrates that terrorists study and exploit
29 United States vulnerabilities; and

30 (3) additional safeguards are needed to ensure that
31 terrorists cannot enter the United States.

32 (b) BIOMETRIC PASSPORTS.—

33 (1) DEVELOPMENT OF PLAN.—The Secretary of
34 Homeland Security, in consultation with the Secretary of
35 State, shall develop and implement a plan as expeditiously
36 as possible to require biometric passports or other identi-
37 fication deemed by the Secretary to be at least as secure

1 as a biometric passport, for all travel into the United
2 States by United States citizens and by categories of indi-
3 viduals for whom documentation requirements have pre-
4 viously been waived under section 212(d)(4)(B) of the Im-
5 migration and Nationality Act (8 U.S.C. 1182(d)(4)(B)).

6 (2) REQUIREMENT TO PRODUCE DOCUMENTATION.—

7 The plan developed under paragraph (1) shall require all
8 United States citizens, and categories of individuals for
9 whom documentation requirements have previously been
10 waived under section 212(d)(4)(B) of such Act, to carry
11 and produce the documentation described in paragraph (1)
12 when traveling from foreign countries into the United
13 States.

14 (c) TECHNICAL AND CONFORMING AMENDMENTS.—After
15 the complete implementation of the plan described in subsection
16 (b)—

17 (1) the Secretary of State and the Attorney General
18 may no longer exercise discretion under section
19 212(d)(4)(B) of such Act to waive documentary require-
20 ments for travel into the United States; and

21 (2) the President may no longer exercise discretion
22 under section 215(b) of such Act to waive documentary re-
23 quirements for United States citizens departing from or en-
24 tering, or attempting to depart from or enter, the United
25 States, unless the Secretary of State determines that the
26 alternative documentation that is the basis for the waiver
27 of the documentary requirement is at least as secure as a
28 biometric passport.

29 (d) TRANSIT WITHOUT VISA PROGRAM.—The Secretary of
30 State shall not use any authorities granted under section
31 212(d)(4)(C) of such Act until the Secretary, in conjunction
32 with the Secretary of Homeland Security, completely imple-
33 ments a security plan to fully ensure secure transit passage
34 areas to prevent aliens proceeding in immediate and continuous
35 transit through the United States from illegally entering the
36 United States.

1 **SEC. 805. EXCHANGE OF TERRORIST INFORMATION.**

2 (a) **FINDINGS.**—Consistent with the report of the National
3 Commission on Terrorist Attacks Upon the United States, Con-
4 gress finds that—

5 (1) the exchange of terrorist information with other
6 countries, consistent with privacy requirements, along with
7 listings of lost and stolen passports, will have immediate se-
8 curity benefits; and

9 (2) the further away from the borders of the United
10 States that screening occurs, the more security benefits the
11 United States will gain.

12 (b) **SENSE OF CONGRESS.**—It is the sense of Congress
13 that—

14 (1) the United States Government should exchange
15 terrorist information with trusted allies;

16 (2) the United States Government should move toward
17 real-time verification of passports with issuing authorities;

18 (3) where practicable the United States Government
19 should conduct screening before a passenger departs on a
20 flight destined for the United States;

21 (4) the United States Government should work with
22 other countries to ensure effective inspection regimes at all
23 airports;

24 (5) the United States Government should work with
25 other countries to improve passport standards and provide
26 foreign assistance to countries that need help making the
27 transition to the global standard for identification; and

28 (6) the Department of Homeland Security, in coordi-
29 nation with the Department of State and other agencies,
30 should implement the initiatives called for in this sub-
31 section.

32 (c) **REPORT REGARDING THE EXCHANGE OF TERRORIST**
33 **INFORMATION.**—

34 (1) **IN GENERAL.**—Not later than 180 days after the
35 date of enactment of this Act, the Secretary of State and
36 the Secretary of Homeland Security, working with other
37 agencies, shall submit to the appropriate committees of

1 Congress a report on Federal efforts to collaborate with al-
2 lies of the United States in the exchange of terrorist infor-
3 mation.

4 (2) CONTENTS.—The report shall outline—

5 (A) strategies for increasing such collaboration
6 and cooperation;

7 (B) progress made in screening passengers before
8 their departure to the United States; and

9 (C) efforts to work with other countries to accom-
10 plish the goals described under this section.

11 **SEC. 806. MINIMUM STANDARDS FOR IDENTIFICATION-**
12 **RELATED DOCUMENTS.**

13 (a) IN GENERAL.—Subtitle H of title VIII of the Home-
14 land Security Act of 2002 (6 U.S.C. 451 et seq.) is amended
15 by adding at the end the following:

16 **“SEC. 890A. MINIMUM STANDARDS FOR BIRTH CERTIFI-**
17 **CATES.**

18 “(a) DEFINITION.—In this section, the term ‘birth certifi-
19 cate’ means a certificate of birth—

20 “(1) for an individual (regardless of where born)—

21 “(A) who is a citizen or national of the United
22 States at birth; and

23 “(B) whose birth is registered in the United
24 States; and

25 “(2) that—

26 “(A) is issued by a Federal, State, or local govern-
27 ment agency or authorized custodian of record and pro-
28 duced from birth records maintained by such agency or
29 custodian of record; or

30 “(B) is an authenticated copy, issued by a Fed-
31 eral, State, or local government agency or authorized
32 custodian of record, of an original certificate of birth
33 issued by such agency or custodian of record.

34 “(b) STANDARDS FOR ACCEPTANCE BY FEDERAL AGEN-
35 CIES.—

36 “(1) IN GENERAL.—Beginning 2 years after the pro-
37 mulgation of minimum standards under paragraph (2), no

1 Federal agency may accept a birth certificate for any offi-
2 cial purpose unless the certificate conforms to such stand-
3 ards.

4 “(2) MINIMUM STANDARDS.—Within 1 year after the
5 date of enactment of this section, the Secretary shall by
6 regulation establish minimum standards for birth certifi-
7 cates for use by Federal agencies for official purposes
8 that—

9 “(A) at a minimum, shall require certification of
10 the birth certificate by the State or local government
11 custodian of record that issued the certificate, and shall
12 require the use of safety paper, the seal of the issuing
13 custodian of record, and other features designed to pre-
14 vent tampering, counterfeiting, or otherwise duplicating
15 the birth certificate for fraudulent purposes;

16 “(B) shall establish requirements for proof and
17 verification of identity as a condition of issuance of a
18 birth certificate, with additional security measures for
19 the issuance of a birth certificate for a person who is
20 not the applicant;

21 “(C) may not require a single design to which
22 birth certificates issued by all States must conform;
23 and

24 “(D) shall accommodate the differences between
25 the States in the manner and form in which birth
26 records are stored and birth certificates are produced
27 from such records.

28 “(3) CONSULTATION WITH GOVERNMENT AGENCIES.—
29 In promulgating the standards required by paragraph (2),
30 the Secretary shall consult with State vital statistics offices
31 and appropriate Federal agencies.

32 “(4) EXTENSION OF EFFECTIVE DATE.—The Sec-
33 retary may extend the 2-year date under paragraph (1) by
34 up to 2 additional years for birth certificates issued before
35 that 2-year date if the Secretary determines that the States
36 are unable to comply with such date after making reason-
37 able efforts to do so.

200

1 “(c) GRANTS TO STATES.—

2 “(1) ASSISTANCE IN MEETING FEDERAL STAND-
3 ARDS.—

4 “(A) IN GENERAL.—Beginning on the date a final
5 regulation is promulgated under subsection (b)(2), the
6 Secretary shall make grants to States to assist them in
7 conforming to the minimum standards for birth certifi-
8 cates set forth in the regulation.

9 “(B) ALLOCATION OF GRANTS.—The Secretary
10 shall make grants to States under this paragraph based
11 on the proportion that the estimated average annual
12 number of birth certificates issued by a State applying
13 for a grant bears to the estimated average annual num-
14 ber of birth certificates issued by all States.

15 “(2) ASSISTANCE IN MATCHING BIRTH AND DEATH
16 RECORDS.—

17 “(A) IN GENERAL.—The Secretary, in coordina-
18 tion with other appropriate Federal agencies, shall
19 make grants to States to assist them in—

20 “(i) computerizing their birth and death
21 records;

22 “(ii) developing the capability to match birth
23 and death records within each State and among the
24 States; and

25 “(iii) noting the fact of death on the birth cer-
26 tificates of deceased persons.

27 “(B) ALLOCATION OF GRANTS.—The Secretary
28 shall make grants to States under this paragraph based
29 on the proportion that the estimated annual average
30 number of birth and death records created by a State
31 applying for a grant bears to the estimated annual av-
32 erage number of birth and death records originated by
33 all States.

34 “(d) AUTHORIZATION OF APPROPRIATIONS.—There are
35 authorized to be appropriated to the Secretary for each of the
36 fiscal years 2005 through 2009 such sums as may be necessary
37 to carry out this section.

1 **“SEC. 890B. DRIVER’S LICENSES AND PERSONAL IDENTI-**
2 **FICATION CARDS.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) DRIVER’S LICENSE.—The term ‘driver’s license’
5 means a motor vehicle operator’s license as defined in sec-
6 tion 30301(5) of title 49, United States Code.

7 “(2) PERSONAL IDENTIFICATION CARD.—The term
8 ‘personal identification card’ means an identification docu-
9 ment (as defined in section 1028(d)(3) of title 18, United
10 States Code) issued by a State.

11 “(b) STANDARDS FOR ACCEPTANCE BY FEDERAL AGEN-
12 CIES.—

13 “(1) IN GENERAL.—

14 “(A) LIMITATION ON ACCEPTANCE.—No Federal
15 agency may accept, for any official purpose, a driver’s
16 license or personal identification card issued by a State
17 more than 2 years after the promulgation of the min-
18 imum standards under paragraph (2) unless the driv-
19 er’s license or personal identification card conforms to
20 such minimum standards.

21 “(B) DATE FOR CONFORMANCE.—The Secretary
22 shall establish a date after which no driver’s license or
23 personal identification card shall be accepted by a Fed-
24 eral agency for any official purpose unless such driver’s
25 license or personal identification card conforms to the
26 minimum standards established under paragraph (2).
27 The date shall be as early as the Secretary determines
28 it is practicable for the States to comply with such date
29 with reasonable efforts.

30 “(2) MINIMUM STANDARDS.—Within 1 year after the
31 date of enactment of this section, the Secretary shall by
32 regulation establish minimum standards for driver’s li-
33 censes or personal identification cards issued by a State for
34 use by Federal agencies for identification purposes that
35 shall include—

202

1 “(A) standards for documentation required as
2 proof of identity of an applicant for a driver’s license
3 or identification card;

4 “(B) standards for third-party verification of the
5 authenticity of documents used to obtain a driver’s li-
6 cense or identification card;

7 “(C) standards for the processing of applications
8 for driver’s licenses and identification cards to prevent
9 fraud;

10 “(D) security standards to ensure that driver’s li-
11 censes and identification cards are—

12 “(i) resistant to tampering, alteration, or
13 counterfeiting; and

14 “(ii) capable of accommodating a digital pho-
15 tograph or other unique identifier; and

16 “(E) a requirement that a State confiscate a driv-
17 er’s license or identification card if any component or
18 security feature of the license or identification card is
19 compromised.

20 “(3) CONTENT OF REGULATIONS.—The regulations re-
21 quired by paragraph (2)—

22 “(A) shall facilitate communication between the
23 chief driver licensing official of a State and an appro-
24 priate official of a Federal agency to verify the authen-
25 ticity of documents issued by such Federal agency and
26 presented to prove the identity of an individual;

27 “(B) may not directly or indirectly infringe on a
28 State’s power to set eligibility criteria for obtaining a
29 driver’s license or identification card from that State;
30 and

31 “(C) may not require a State to comply with any
32 such regulation that conflicts with or otherwise inter-
33 feres with the full enforcement of such eligibility cri-
34 teria by the State.

35 “(4) CONSULTATION WITH GOVERNMENT AGENCIES.—
36 In promulgating the standards required by paragraph (2),
37 the Secretary shall consult with the Department of Trans-

1 portation, the chief driver licensing official of each State,
2 any other State organization that issues personal identifica-
3 tion cards, and any organization, determined appropriate
4 by the Secretary, that represents the interests of the
5 States.

6 “(c) GRANTS TO STATES.—

7 “(1) ASSISTANCE IN MEETING FEDERAL STAND-
8 ARDS.—Beginning on the date a final regulation is promul-
9 gated under subsection (b)(2), the Secretary shall make
10 grants to States to assist them in conforming to the min-
11 imum standards for driver’s licenses and personal identi-
12 fication cards set forth in the regulation.

13 “(2) ALLOCATION OF GRANTS.—The Secretary shall
14 make grants to States under this subsection based on the
15 proportion that the estimated average annual number of
16 driver’s licenses and personal identification cards issued by
17 a State applying for a grant bears to the average annual
18 number of such documents issued by all States.

19 “(d) AUTHORIZATION OF APPROPRIATIONS.—There are
20 authorized to be appropriated to the Secretary for each of the
21 fiscal years 2005 through 2009, such sums as may be nec-
22 essary to carry out this section.

23 **“SEC. 890C. SOCIAL SECURITY CARDS.**

24 “(a) SECURITY ENHANCEMENTS.—The Commissioner of
25 Social Security shall—

26 “(1) within 180 days after the date of enactment of
27 this section, issue regulations to restrict the issuance of
28 multiple replacement social security cards to any individual
29 to minimize fraud;

30 “(2) within 1 year after the date of enactment of this
31 section, require independent verification of all records pro-
32 vided by an applicant for an original social security card,
33 other than for purposes of enumeration at birth; and

34 “(3) within 18 months after the date of enactment of
35 this section, add death, fraud, and work authorization indi-
36 cators to the social security number verification system.

1 “(b) INTERAGENCY SECURITY TASK FORCE.—The Sec-
2 retary and the Commissioner of Social Security shall form an
3 interagency task force for the purpose of further improving the
4 security of social security cards and numbers. Within 1 year
5 after the date of enactment of this section, the task force shall
6 establish security requirements, including—

7 “(1) standards for safeguarding social security cards
8 from counterfeiting, tampering, alteration, and theft;

9 “(2) requirements for verifying documents submitted
10 for the issuance of replacement cards; and

11 “(3) actions to increase enforcement against the
12 fraudulent use or issuance of social security numbers and
13 cards.

14 “(c) AUTHORIZATION OF APPROPRIATIONS.—There are
15 authorized to be appropriated to the Commissioner of Social
16 Security for each of the fiscal years 2005 through 2009, such
17 sums as may be necessary to carry out this section.”.

18 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

19 (1) Section 656 of the Illegal Immigration Reform and
20 Immigrant Responsibility Act of 1996 (5 U.S.C. 301 note)
21 is repealed.

22 (2) Section 1(b) of the Homeland Security Act of
23 2002 (Public Law 107–296; 116 Stat. 2135) is amended
24 by inserting after the item relating to section 890 the fol-
25 lowing:

“Sec. 890A. Minimum standards for birth certificates.

“Sec. 890B. Driver’s licenses and personal identification cards.

“Sec. 890C. Social security cards.”.

26 **TITLE IX—TRANSPORTATION** 27 **SECURITY**

28 **SEC. 901. DEFINITIONS.**

29 In this title, the terms “air carrier”, “air transportation”,
30 “aircraft”, “airport”, “cargo”, “foreign air carrier”, and
31 “intrastate air transportation” have the meanings given such
32 terms in section 40102 of title 49, United States Code.

1 **SEC. 902. NATIONAL STRATEGY FOR TRANSPORTATION**
2 **SECURITY.**

3 (a) REQUIREMENT FOR STRATEGY.—

4 (1) RESPONSIBILITIES OF SECRETARY OF HOMELAND
5 SECURITY.—The Secretary of Homeland Security shall—

6 (A) develop and implement a National Strategy for
7 Transportation Security; and

8 (B) revise such strategy whenever necessary to im-
9 prove or to maintain the currency of the strategy or
10 whenever the Secretary otherwise considers it appro-
11 priate to do so.

12 (2) CONSULTATION WITH SECRETARY OF TRANSPOR-
13 TATION.—The Secretary of Homeland Security shall con-
14 sult with the Secretary of Transportation in developing and
15 revising the National Strategy for Transportation Security
16 under this section.

17 (b) CONTENT.—The National Strategy for Transportation
18 Security shall include the following matters:

19 (1) An identification and evaluation of the transpor-
20 tation assets within the United States that, in the interests
21 of national security, must be protected from attack or dis-
22 ruption by terrorist or other hostile forces, including avia-
23 tion, bridge and tunnel, commuter rail and ferry, highway,
24 maritime, pipeline, rail, urban mass transit, and other pub-
25 lic transportation infrastructure assets that could be at risk
26 of such an attack or disruption.

27 (2) The development of the risk-based priorities, and
28 realistic deadlines, for addressing security needs associated
29 with those assets.

30 (3) The most practical and cost-effective means of de-
31 fending those assets against threats to their security.

32 (4) A forward-looking strategic plan that assigns
33 transportation security roles and missions to departments
34 and agencies of the Federal Government (including the
35 Armed Forces), State governments (including the Army
36 National Guard and Air National Guard), local govern-
37 ments, and public utilities, and establishes mechanisms for

1 encouraging private sector cooperation and participation in
2 the implementation of such plan.

3 (5) A comprehensive delineation of response and recov-
4 ery responsibilities and issues regarding threatened and ex-
5 ecuted acts of terrorism within the United States.

6 (6) A prioritization of research and development objec-
7 tives that support transportation security needs, giving a
8 higher priority to research and development directed to-
9 ward protecting vital assets.

10 (7) A budget and recommendations for appropriate
11 levels and sources of funding to meet the objectives set
12 forth in the strategy.

13 (c) SUBMISSIONS TO CONGRESS.—

14 (1) THE NATIONAL STRATEGY.—

15 (A) INITIAL STRATEGY.—The Secretary of Home-
16 land Security shall submit the National Strategy for
17 Transportation Security developed under this section to
18 Congress not later than April 1, 2005.

19 (B) SUBSEQUENT VERSIONS.—After 2005, the
20 Secretary of Homeland Security shall submit the Na-
21 tional Strategy for Transportation Security, including
22 any revisions, to Congress not less frequently than
23 April 1 of each even-numbered year.

24 (2) PERIODIC PROGRESS REPORT.—

25 (A) REQUIREMENT FOR REPORT.—Each year, in
26 conjunction with the submission of the budget to Con-
27 gress under section 1105(a) of title 31, United States
28 Code, the Secretary of Homeland Security shall submit
29 to Congress an assessment of the progress made on im-
30 plementing the National Strategy for Transportation
31 Security.

32 (B) CONTENT.—Each progress report under this
33 paragraph shall include, at a minimum, the following
34 matters:

35 (i) An assessment of the adequacy of the re-
36 sources committed to meeting the objectives of the
37 National Strategy for Transportation Security.

(ii) Any recommendations for improving and implementing that strategy that the Secretary, in consultation with the Secretary of Transportation, considers appropriate.

(3) CLASSIFIED MATERIAL.—Any part of the National Strategy for Transportation Security that involves information that is properly classified under criteria established by Executive order shall be submitted to Congress separately in classified form.

(d) PRIORITY STATUS.—

(1) IN GENERAL.—The National Strategy for Transportation Security shall be the governing document for Federal transportation security efforts.

(2) OTHER PLANS AND REPORTS.—The National Strategy for Transportation Security shall include, as an integral part or as an appendix—

(A) the current National Maritime Transportation Security Plan under section 70103 of title 46, United States Code;

(B) the report of the Secretary of Transportation under section 44938 of title 49, United States Code; and

(C) any other transportation security plan or report that the Secretary of Homeland Security determines appropriate for inclusion.

SEC. 903. USE OF WATCHLISTS FOR PASSENGER AIR TRANSPORTATION SCREENING.

(a) IN GENERAL.—The Secretary of Homeland Security, acting through the Transportation Security Administration, as soon as practicable after the date of the enactment of this Act but in no event later than 90 days after that date, shall—

(1) implement a procedure under which the Transportation Security Administration compares information about passengers who are to be carried aboard a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation for flights and flight segments originating in the United States with

1 a comprehensive, consolidated database containing informa-
2 tion about known or suspected terrorists and their associ-
3 ates; and

4 (2) use the information obtained by comparing the
5 passenger information with the information in the database
6 to prevent known or suspected terrorists and their associ-
7 ates from boarding such flights or flight segments or to
8 subject them to specific additional security scrutiny,
9 through the use of “no fly” and “automatic selectee” lists
10 or other means.

11 (b) AIR CARRIER COOPERATION.—The Secretary of
12 Homeland Security, in coordination with the Secretary of
13 Transportation, shall by order require air carriers to provide
14 the passenger information necessary to implement the proce-
15 dure required by subsection (a).

16 (c) MAINTAINING THE ACCURACY AND INTEGRITY OF THE
17 “NO FLY” AND “AUTOMATIC SELECTEE” LISTS.—

18 (1) WATCHLIST DATABASE.—The Secretary of Home-
19 land Security, in consultation with the Director of the Fed-
20 eral Bureau of Investigation, shall design guidelines, poli-
21 cies, and operating procedures for the collection, removal,
22 and updating of data maintained, or to be maintained, in
23 the watchlist database described in subsection (a)(1) that
24 are designed to ensure the accuracy and integrity of the
25 database.

26 (2) ACCURACY OF ENTRIES.—In developing the “no
27 fly” and “automatic selectee” lists under subsection (a)(2),
28 the Secretary of Homeland Security shall establish a simple
29 and timely method for correcting erroneous entries, for
30 clarifying information known to cause false hits or
31 misidentification errors, and for updating relevant informa-
32 tion that is dispositive in the passenger screening process.
33 The Secretary shall also establish a process to provide indi-
34 viduals whose names are confused with, or similar to,
35 names in the database with a means of demonstrating that
36 they are not a person named in the database.

1 **SEC. 904. ENHANCED PASSENGER AND CARGO SCREEN-**
2 **ING.**

3 (a) AIRCRAFT PASSENGER SCREENING AT CHECK-
4 POINTS.—

5 (1) DETECTION OF EXPLOSIVES.—

6 (A) IMPROVEMENT OF CAPABILITIES.—As soon as
7 practicable after the date of the enactment of this Act,
8 the Secretary of Homeland Security shall take such ac-
9 tion as is necessary to improve the capabilities at pas-
10 senger screening checkpoints, especially at commercial
11 airports, to detect explosives carried aboard aircraft by
12 passengers or placed aboard aircraft by passengers.

13 (B) INTERIM ACTION.—Until measures are imple-
14 mented that enable the screening of all passengers for
15 explosives, the Secretary shall take immediate measures
16 to require Transportation Security Administration or
17 other screeners to screen for explosives any individual
18 identified for additional screening before that individual
19 may board an aircraft.

20 (2) IMPLEMENTATION REPORT.—

21 (A) REQUIREMENT FOR REPORT.—Within 90 days
22 after the date of the enactment of this Act, the Sec-
23 retary of Homeland Security shall transmit to the Sen-
24 ate and the House of Representatives a report on how
25 the Secretary intends to achieve the objectives of the
26 actions required under paragraph (1). The report shall
27 include an implementation schedule.

28 (B) CLASSIFIED INFORMATION.—The Secretary
29 may submit separately in classified form any informa-
30 tion in the report under subparagraph (A) that involves
31 information that is properly classified under criteria es-
32 tablished by Executive order.

33 (b) ACCELERATION OF RESEARCH AND DEVELOPMENT
34 ON, AND DEPLOYMENT OF, DETECTION OF EXPLOSIVES.—

35 (1) REQUIRED ACTION.—The Secretary of Homeland
36 Security, in consultation with the Secretary of Transpor-
37 tation, shall take such action as may be necessary to accel-

1 erate research and development and deployment of tech-
2 nology for screening aircraft passengers for explosives dur-
3 ing or before the aircraft boarding process.

4 (2) AUTHORIZATION OF APPROPRIATIONS.—There are
5 authorized to be appropriated to the Secretary such sums
6 as are necessary to carry out this subsection for each of fis-
7 cal years 2005 through 2009.

8 (c) IMPROVEMENT OF SCREENER JOB PERFORMANCE.—

9 (1) REQUIRED ACTION.—The Secretary of Homeland
10 Security shall take such action as may be necessary to im-
11 prove the job performance of airport screening personnel.

12 (2) HUMAN FACTORS STUDY.—In carrying out this
13 subsection, the Secretary shall, not later than 180 days
14 after the date of the enactment of this Act, conduct a
15 human factors study in order better to understand prob-
16 lems in screener performance and to set attainable objec-
17 tives for individual screeners and screening checkpoints.

18 (d) CHECKED BAGGAGE AND CARGO.—

19 (1) IN-LINE BAGGAGE SCREENING.—The Secretary of
20 Homeland Security shall take such action as may be nec-
21 essary to expedite the installation and use of advanced in-
22 line baggage-screening equipment at commercial airports.

23 (2) CARGO SECURITY.—The Secretary shall take such
24 action as may be necessary to ensure that the Transpor-
25 tation Security Administration increases and improves its
26 efforts to screen potentially dangerous cargo.

27 (3) HARDENED CONTAINERS.—The Secretary, in con-
28 sultation with the Secretary of Transportation, shall re-
29 quire air carriers to deploy at least 1 hardened container
30 for containing baggage or cargo items in each passenger
31 aircraft that also carries cargo.

32 (e) COST-SHARING.—Not later than 45 days after the date
33 of the enactment of this Act, the Secretary of Homeland Secu-
34 rity, in consultation with representatives of air carriers, airport
35 operators, and other interested parties, shall submit to the Sen-
36 ate and the House of Representatives—

(1) a proposed formula for cost-sharing, for the advanced in-line baggage screening equipment required by this title, between and among the Federal Government, State and local governments, and the private sector that reflects proportionate national security benefits and private sector benefits for such enhancement; and

(2) recommendations, including recommended legislation, for an equitable, feasible, and expeditious system for defraying the costs of the advanced in-line baggage screening equipment required by this title, which may be based on the formula proposed under paragraph (1).

TITLE X—NATIONAL PREPAREDNESS

SEC. 1001. HOMELAND SECURITY ASSISTANCE.

(a) DEFINITIONS.—In this section:

(1) COMMUNITY.—The term “community” means a State, local government, or region.

(2) HOMELAND SECURITY ASSISTANCE.—The term “homeland security assistance” means grants or other financial assistance provided by the Department of Homeland Security under the State Homeland Security Grants Program, the Urban Areas Security Initiative, or the Law Enforcement Terrorism Prevention Program.

(3) LOCAL GOVERNMENT.—The term “local government” has the meaning given that term in section 2(10) of the Homeland Security Act of 2002 (6 U.S.C. 101(10)).

(4) REGION.—The term “region” means any intra-state or interstate consortium of local governments.

(5) SECRETARY.—The term “Secretary” means the Secretary of Homeland Security.

(6) STATE.—The term “State” has the meaning given that term in section 2(14) of the Homeland Security Act of 2002 (6 U.S.C. 101(14)).

(7) UNDER SECRETARY.—The term “Under Secretary” means the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection.

1 (b) IN GENERAL.—The Secretary shall allocate homeland
2 security assistance to communities based on—

3 (1) the level of threat faced by a community, as deter-
4 mined by the Secretary through the Under Secretary, in
5 consultation with the National Intelligence Director;

6 (2) the critical infrastructure in the community, and
7 the risks to and vulnerability of that infrastructure, as
8 identified and assessed by the Secretary through the Under
9 Secretary;

10 (3) the community's population and population den-
11 sity;

12 (4) such other indicia of a community's risk and vul-
13 nerability as the Secretary determines is appropriate;

14 (5) the benchmarks developed under subsection
15 (d)(4)(A); and

16 (6) the goal of achieving and enhancing essential
17 emergency preparedness and response capabilities through-
18 out the Nation.

19 (c) REALLOCATION OF ASSISTANCE.—A State receiving
20 homeland security assistance may reallocate such assistance, in
21 whole or in part, among local governments or other entities,
22 only if such reallocation is made on the basis of an assessment
23 of threats, risks, and vulnerabilities of the local governments or
24 other entities that is consistent with the criteria set forth in
25 subsection (b).

26 (d) ADVISORY PANEL.—

27 (1) ESTABLISHMENT.—Not later than 60 days after
28 the date of enactment of this Act, the Secretary shall es-
29 tablish an advisory panel to assist the Secretary in deter-
30 mining how to allocate homeland security assistance funds
31 most effectively among communities, consistent with the
32 criteria set out in subsection (b).

33 (2) SELECTION OF MEMBERS.—The Secretary shall
34 appoint no fewer than 10 individuals to serve on the advi-
35 sory panel. The individuals shall—

36 (A) be chosen on the basis of their knowledge,
37 achievements, and experience;

1 (B) be from diverse geographic and professional
2 backgrounds; and

3 (C) have demonstrated expertise in homeland secu-
4 rity or emergency preparedness and response.

5 (3) TERM.—Each member of the advisory panel ap-
6 pointed by the Secretary shall serve a term the length of
7 which is to be determined by the Secretary, but which shall
8 not exceed 5 years.

9 (4) RESPONSIBILITIES.—The advisory panel shall—

10 (A) develop benchmarks by which the needs and
11 capabilities of diverse communities throughout the Na-
12 tion with respect to potential terrorist attacks may be
13 assessed, and review and revise those benchmarks as
14 appropriate; and

15 (B) advise the Secretary on means of establishing
16 appropriate priorities for the allocation of funding
17 among applicants for homeland security assistance.

18 (5) REPORTS.—Not later than 1 year after the date
19 of enactment of this Act, and annually thereafter, the advi-
20 sory panel shall provide the Secretary and Congress with
21 a report on the benchmarks it has developed under para-
22 graph (4)(A), including any revisions or modifications to
23 such benchmarks.

24 (6) APPLICABILITY OF FEDERAL ADVISORY COM-
25 MITTEE ACT.—The Federal Advisory Committee Act (5
26 U.S.C. App.) shall apply to the advisory panel.

27 (7) ADMINISTRATIVE SUPPORT SERVICES.—The Sec-
28 retary shall provide administrative support services to the
29 advisory panel.

30 (e) TECHNICAL AND CONFORMING AMENDMENT.—Section
31 1014(c) of the USA PATRIOT ACT of 2001 (42 U.S.C.
32 3714(c)) is amended by striking paragraph (3).

33 **SEC. 1002. THE INCIDENT COMMAND SYSTEM.**

34 (a) FINDINGS.—Consistent with the report of the National
35 Commission on Terrorist Attacks Upon the United States, Con-
36 gress makes the following findings:

1 (1) The attacks on September 11, 2001, demonstrated
2 that even the most robust emergency response capabilities
3 can be overwhelmed if an attack is large enough.

4 (2) Teamwork, collaboration, and cooperation at an in-
5 cident site are critical to a successful response to a terrorist
6 attack.

7 (3) Key decision makers who are represented at the
8 incident command level help to ensure an effective re-
9 sponse, the efficient use of resources, and responder safety.

10 (4) Regular joint training at all levels is essential to
11 ensuring close coordination during an actual incident.

12 (5) Beginning with fiscal year 2005, the Department
13 of Homeland Security is requiring that entities adopt the
14 Incident Command System and other concepts of the Na-
15 tional Incident Management System in order to qualify for
16 funds distributed by the Office of State and Local Govern-
17 ment Coordination and Preparedness.

18 (b) SENSE OF CONGRESS.—It is the sense of Congress
19 that—

20 (1) emergency response agencies nationwide should
21 adopt the Incident Command System;

22 (2) when multiple agencies or multiple jurisdictions
23 are involved, they should follow a unified command system;
24 and

25 (3) the Secretary of Homeland Security should re-
26 quire, as a further condition of receiving homeland security
27 preparedness funds from the Office of State and Local
28 Government Coordination and Preparedness, that grant ap-
29 plicants document measures taken to fully and aggressively
30 implement the Incident Command System and unified com-
31 mand procedures.

32 **SEC. 1003. NATIONAL CAPITAL REGION MUTUAL AID.**

33 (a) DEFINITIONS.—In this section:

34 (1) AUTHORIZED REPRESENTATIVE OF THE FEDERAL
35 GOVERNMENT.—The term “authorized representative of the
36 Federal Government” means any individual or individuals
37 designated by the President with respect to the executive

1 branch, the Chief Justice with respect to the Federal judi-
2 ciary, or the President of the Senate and Speaker of the
3 House of Representatives with respect to Congress, or their
4 designees, to request assistance under a Mutual Aid Agree-
5 ment for an emergency or public service event.

6 (2) CHIEF OPERATING OFFICER.—The term “chief op-
7 erating officer” means the official designated by law to de-
8 clare an emergency in and for the locality of that chief op-
9 erating officer.

10 (3) EMERGENCY.—The term “emergency” means a
11 major disaster or emergency declared by the President, or
12 a state of emergency declared by the Mayor of the District
13 of Columbia, the Governor of the State of Maryland or the
14 Commonwealth of Virginia, or the declaration of a local
15 emergency by the chief operating officer of a locality, or
16 their designees, that triggers mutual aid under the terms
17 of a Mutual Aid Agreement.

18 (4) EMPLOYEE.—The term “employee” means the em-
19 ployees of the party, including its agents or authorized vol-
20 unteers, who are committed in a Mutual Aid Agreement to
21 prepare for or who respond to an emergency or public serv-
22 ice event.

23 (5) LOCALITY.—The term “locality” means a county,
24 city, or town within the State of Maryland or the Common-
25 wealth of Virginia and within the National Capital Region.

26 (6) MUTUAL AID AGREEMENT.—The term “Mutual
27 Aid Agreement” means an agreement, authorized under
28 subsection (b) for the provision of police, fire, rescue and
29 other public safety and health or medical services to any
30 party to the agreement during a public service event, an
31 emergency, or pre-planned training event.

32 (7) NATIONAL CAPITAL REGION OR REGION.—The
33 term “National Capital Region” or “Region” means the
34 area defined under section 2674(f)(2) of title 10, United
35 States Code, and those counties with a border abutting
36 that area and any municipalities therein.

1 (8) PARTY.—The term “party” means the State of
2 Maryland, the Commonwealth of Virginia, the District of
3 Columbia, and any of the localities duly executing a Mutual
4 Aid Agreement under this section.

5 (9) PUBLIC SERVICE EVENT.—The term “public serv-
6 ice event”—

7 (A) means any undeclared emergency, incident or
8 situation in preparation for or response to which the
9 Mayor of the District of Columbia, an authorized rep-
10 resentative of the Federal Government, the Governor of
11 the State of Maryland, the Governor of the Common-
12 wealth of Virginia, or the chief operating officer of a
13 locality in the National Capital Region, or their des-
14 ignees, requests or provides assistance under a Mutual
15 Aid Agreement within the National Capital Region; and

16 (B) includes Presidential inaugurations, public
17 gatherings, demonstrations and protests, and law en-
18 forcement, fire, rescue, emergency health and medical
19 services, transportation, communications, public works
20 and engineering, mass care, and other support that re-
21 quire human resources, equipment, facilities or services
22 supplemental to or greater than the requesting jurisdic-
23 tion can provide.

24 (10) STATE.—The term “State” means the State of
25 Maryland, the Commonwealth of Virginia, and the District
26 of Columbia.

27 (11) TRAINING.—The term “training” means emer-
28 gency and public service event-related exercises, testing, or
29 other activities using equipment and personnel to simulate
30 performance of any aspect of the giving or receiving of aid
31 by National Capital Region jurisdictions during emer-
32 gencies or public service events, such actions occurring out-
33 side actual emergency or public service event periods.

34 (b) MUTUAL AID AUTHORIZED.—

35 (1) IN GENERAL.—The Mayor of the District of Co-
36 lumbia, any authorized representative of the Federal Gov-
37 ernment, the Governor of the State of Maryland, the Gov-

ernor of the Commonwealth of Virginia, or the chief operating officer of a locality, or their designees, acting within his or her jurisdictional purview, may, subject to State law, enter into, request or provide assistance under Mutual Aid Agreements with localities, the Washington Metropolitan Area Transit Authority, the Metropolitan Washington Airports Authority, and any other governmental agency or authority for—

(A) law enforcement, fire, rescue, emergency health and medical services, transportation, communications, public works and engineering, mass care, and resource support in an emergency or public service event;

(B) preparing for, mitigating, managing, responding to or recovering from any emergency or public service event; and

(C) training for any of the activities described under subparagraphs (A) and (B).

(2) FACILITATING LOCALITIES.—The State of Maryland and the Commonwealth of Virginia are encouraged to facilitate the ability of localities to enter into interstate Mutual Aid Agreements in the National Capital Region under this section.

(3) APPLICATION AND EFFECT.—This section—

(A) does not apply to law enforcement security operations at special events of national significance under section 3056(e) of title 18, United States Code, or other law enforcement functions of the United States Secret Service;

(B) does not diminish any authorities, express or implied, of Federal agencies to enter into Mutual Aid Agreements in furtherance of their Federal missions; and

(C) does not—

(i) preclude any party from entering into supplementary Mutual Aid Agreements with fewer than all the parties, or with another party; or

1 (ii) affect any other agreement in effect before
2 the date of enactment of this Act among the States
3 and localities, including the Emergency Manage-
4 ment Assistance Compact.

5 (4) RIGHTS DESCRIBED.—Other than as described in
6 this section, the rights and responsibilities of the parties to
7 a Mutual Aid Agreement entered into under this section
8 shall be as described in the Mutual Aid Agreement.

9 (c) DISTRICT OF COLUMBIA.—

10 (1) IN GENERAL.—The District of Columbia may pur-
11 chase liability and indemnification insurance or become self
12 insured against claims arising under a Mutual Aid Agree-
13 ment authorized under this section.

14 (2) AUTHORIZATION OF APPROPRIATIONS.—There are
15 authorized to be appropriated such sums as may be nec-
16 essary to carry out paragraph (1).

17 (d) LIABILITY AND ACTIONS AT LAW.—

18 (1) IN GENERAL.—Any responding party or its officers
19 or employees rendering aid or failing to render aid to the
20 District of Columbia, the Federal Government, the State of
21 Maryland, the Commonwealth of Virginia, or a locality,
22 under a Mutual Aid Agreement authorized under this sec-
23 tion, and any party or its officers or employees engaged in
24 training activities with another party under such a Mutual
25 Aid Agreement, shall be liable on account of any act or
26 omission of its officers or employees while so engaged or on
27 account of the maintenance or use of any related equip-
28 ment, facilities, or supplies, but only to the extent per-
29 mitted under the laws and procedures of the State of the
30 party rendering aid.

31 (2) ACTIONS.—Any action brought against a party or
32 its officers or employees on account of an act or omission
33 in the rendering of aid to the District of Columbia, the
34 Federal Government, the State of Maryland, the Common-
35 wealth of Virginia, or a locality, or failure to render such
36 aid or on account of the maintenance or use of any related
37 equipment, facilities, or supplies may be brought only

1 under the laws and procedures of the State of the party
2 rendering aid and only in the Federal or State courts lo-
3 cated therein. Actions against the United States under this
4 section may be brought only in Federal courts.

5 (3) GOOD FAITH EXCEPTION.—

6 (A) DEFINITION.—In this paragraph, the term
7 “good faith” shall not include willful misconduct, gross
8 negligence, or recklessness.

9 (B) EXCEPTION.—No State or locality, or its offi-
10 cers or employees, rendering aid to another party, or
11 engaging in training, under a Mutual Aid Agreement
12 shall be liable under Federal law on account of any act
13 or omission performed in good faith while so engaged,
14 or on account of the maintenance or use of any related
15 equipment, facilities, or supplies performed in good
16 faith.

17 (4) IMMUNITIES.—This section shall not abrogate any
18 other immunities from liability that any party has under
19 any other Federal or State law.

20 (d) WORKERS COMPENSATION.—

21 (1) COMPENSATION.—Each party shall provide for the
22 payment of compensation and death benefits to injured
23 members of the emergency forces of that party and rep-
24 resentatives of deceased members of such forces if such
25 members sustain injuries or are killed while rendering aid
26 to the District of Columbia, the Federal Government, the
27 State of Maryland, the Commonwealth of Virginia, or a lo-
28 cality, under a Mutual Aid Agreement, or engaged in train-
29 ing activities under a Mutual Aid Agreement, in the same
30 manner and on the same terms as if the injury or death
31 were sustained within their own jurisdiction.

32 (2) OTHER STATE LAW.—No party shall be liable
33 under the law of any State other than its own for providing
34 for the payment of compensation and death benefits to in-
35 jured members of the emergency forces of that party and
36 representatives of deceased members of such forces if such
37 members sustain injuries or are killed while rendering aid

1 to the District of Columbia, the Federal Government, the
2 State of Maryland, the Commonwealth of Virginia, or a lo-
3 cality, under a Mutual Aid Agreement or engaged in train-
4 ing activities under a Mutual Aid Agreement.

5 (e) LICENSES AND PERMITS.—If any person holds a li-
6 cense, certificate, or other permit issued by any responding
7 party evidencing the meeting of qualifications for professional,
8 mechanical, or other skills and assistance is requested by a re-
9 ceiving jurisdiction, such person will be deemed licensed, cer-
10 tified, or permitted by the receiving jurisdiction to render aid
11 involving such skill to meet a public service event, emergency
12 or training for any such events.

13 **SEC. 1004. ASSIGNMENT OF SPECTRUM FOR PUBLIC**
14 **SAFETY.**

15 Section 309(j)(14) of the Communications Act of 1934
16 (47 U.S.C. 309(j)(14)) is amended by adding at the end the
17 following:

18 “(E) EXTENSIONS NOT PERMITTED FOR CHAN-
19 NELS (63, 64, 68 AND 69) REASSIGNED FOR PUBLIC
20 SAFETY SERVICES.—Notwithstanding subparagraph
21 (B), the Commission shall not grant any extension
22 under such subparagraph from the limitation of sub-
23 paragraph (A) with respect to the frequencies assigned,
24 under section 337(a)(1), for public safety services. The
25 Commission shall take all actions necessary to complete
26 assignment of the electromagnetic spectrum between
27 764 and 776 megahertz, inclusive, and between 794
28 and 806 megahertz, inclusive, for public safety services
29 and to permit operations by public safety services on
30 those frequencies commencing not later than January
31 1, 2007.”.

32 **SEC. 1005. URBAN AREA COMMUNICATIONS CAPABILI-**
33 **TIES.**

34 (a) IN GENERAL.—Title V of the Homeland Security Act
35 of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the
36 end the following:

1 **“SEC. 510. HIGH RISK URBAN AREA COMMUNICATIONS**
2 **CAPABILITIES.**

3 “The Secretary, in consultation with the Federal Commu-
4 nications Commission and the Secretary of Defense, and with
5 appropriate governors, mayors, and other State and local gov-
6 ernment officials, shall encourage and support the establish-
7 ment of consistent and effective communications capabilities in
8 the event of an emergency in urban areas determined by the
9 Secretary to be at consistently high levels of risk from terrorist
10 attack. Such communications capabilities shall ensure the abil-
11 ity of all levels of government agencies, including military au-
12 thorities, and of first responders, hospitals, and other organiza-
13 tions with emergency response capabilities to communicate with
14 each other in the event of an emergency. Additionally, the Sec-
15 retary, in conjunction with the Secretary of Defense, shall de-
16 velop plans to provide back-up and additional communications
17 support in the event of an emergency.”.

18 (b) TECHNICAL AND CONFORMING AMENDMENT.—Section
19 1(b) of that Act is amended by inserting after the item relating
20 to section 509 the following:

“Sec. 510. High risk urban area communications capabilities.”.

21 **SEC. 1006. PRIVATE SECTOR PREPAREDNESS.**

22 (a) FINDINGS.—Consistent with the report of the National
23 Commission on Terrorist Attacks Upon the United States, Con-
24 gress makes the following findings:

25 (1) Private sector organizations own 85 percent of the
26 Nation’s critical infrastructure and employ the vast major-
27 ity of the Nation’s workers.

28 (2) Unless a terrorist attack targets a military or
29 other secure government facility, the first people called
30 upon to respond will likely be civilians.

31 (3) Despite the exemplary efforts of some private enti-
32 ties, the private sector remains largely unprepared for a
33 terrorist attack, due in part to the lack of a widely accepted
34 standard for private sector preparedness.

1 (4) Preparedness in the private sector and public sec-
2 tor for rescue, restart and recovery of operations should
3 include—

4 (A) a plan for evacuation;

5 (B) adequate communications capabilities; and

6 (C) a plan for continuity of operations.

7 (5) The American National Standards Institute rec-
8 ommends a voluntary national preparedness standard for
9 the private sector based on the existing American National
10 Standard on Disaster/Emergency Management and Busi-
11 ness Continuity Programs (NFPA 1600), with appropriate
12 modifications. This standard would establish a common set
13 of criteria and terminology for preparedness, disaster man-
14 agement, emergency management, and business continuity
15 programs.

16 (6) The mandate of the Department of Homeland Se-
17 curity extends to working with the private sector, as well
18 as government entities.

19 (b) PRIVATE SECTOR PREPAREDNESS PROGRAM.—

20 (1) IN GENERAL.—Title V of the Homeland Security
21 Act of 2002 (6 U.S.C. 311 et seq.), as amended by section
22 1005, is amended by adding at the end the following:

23 **“SEC. 511. PRIVATE SECTOR PREPAREDNESS PROGRAM.**

24 “The Secretary shall establish a program to promote pri-
25 vate sector preparedness for terrorism and other emergencies,
26 including promoting the adoption of a voluntary national pre-
27 paredness standard such as the private sector preparedness
28 standard developed by the American National Standards Insti-
29 tute and based on the National Fire Protection Association
30 1600 Standard on Disaster/Emergency Management and Busi-
31 ness Continuity Programs.”.

32 (2) TECHNICAL AND CONFORMING AMENDMENT.—Sec-
33 tion 1(b) of that Act, as amended by section 1005, is
34 amended by inserting after the item relating to section 510
35 the following:

“Sec. 511. Private sector preparedness program.”.

1 (c) SENSE OF CONGRESS.—It is the sense of Congress
2 that insurance and credit-rating industries should consider
3 compliance with the voluntary national preparedness standard,
4 the adoption of which is promoted by the Secretary of Home-
5 land Security under section 511 of the Homeland Security Act
6 of 2002, as added by subsection (b), in assessing insurability
7 and credit worthiness.

8 **SEC. 1007. CRITICAL INFRASTRUCTURE AND READINESS**
9 **ASSESSMENTS.**

10 (a) FINDINGS.—Congress finds the following:

11 (1) Under section 201 of the Homeland Security Act
12 of 2002 (6 U.S.C 121), the Department of Homeland Secu-
13 rity, through the Under Secretary for Information Analysis
14 and Infrastructure Protection, has the responsibility—

15 (A) to carry out comprehensive assessments of the
16 vulnerabilities of the key resources and critical infra-
17 structure of the United States, including the perform-
18 ance of risk assessments to determine the risks posed
19 by particular types of terrorist attacks within the
20 United States;

21 (B) to identify priorities for protective and sup-
22 portive measures; and

23 (C) to develop a comprehensive national plan for
24 securing the key resources and critical infrastructure of
25 the United States.

26 (2) Under Homeland Security Presidential Directive 7,
27 issued on December 17, 2003, the Secretary of Homeland
28 Security was given 1 year to develop a comprehensive plan
29 to identify, prioritize, and coordinate the protection of crit-
30 ical infrastructure and key resources.

31 (3) Consistent with the report of the National Com-
32 mission on Terrorist Attacks Upon the United States, the
33 Secretary of Homeland Security should—

34 (A) identify those elements of the United States'
35 transportation, energy, communications, financial, and
36 other institutions that need to be protected;

1 (B) develop plans to protect that infrastructure;
2 and

3 (C) exercise mechanisms to enhance preparedness.

4 (b) REPORTS ON RISK ASSESSMENT AND READINESS.—
5 Not later than 180 days after the date of enactment of this Act
6 and annually thereafter, the Secretary of Homeland Security
7 shall submit a report to Congress on—

8 (1) the Department of Homeland Security's progress
9 in completing vulnerability and risk assessments of the Na-
10 tion's critical infrastructure;

11 (2) the adequacy of the Government's plans to protect
12 such infrastructure; and

13 (3) the readiness of the Government to respond to
14 threats against the United States.

15 **SEC. 1008. REPORT ON NORTHERN COMMAND AND DE-**
16 **FENSE OF THE UNITED STATES HOMELAND.**

17 (a) FINDINGS.—Consistent with the report of the National
18 Commission on Terrorist Attacks Upon the United States, Con-
19 gress makes the following findings:

20 (1) The primary responsibility for national defense is
21 with the Department of Defense and the secondary respon-
22 sibility for national defense is with the Department of
23 Homeland Security, and the 2 departments must have clear
24 delineations of responsibility.

25 (2) Before September 11, 2001, the North American
26 Aerospace Defense Command (hereafter in this section re-
27 ferred to as “NORAD”), which had responsibility for de-
28 fending United States airspace on September 11, 2001—

29 (A) focused on threats coming from outside the
30 borders of the United States; and

31 (B) had not increased its focus on terrorism with-
32 in the United States, even though the intelligence com-
33 munity had gathered intelligence on the possibility that
34 terrorists might turn to hijacking and even the use of
35 airplanes as missiles within the United States.

1 (3) The United States Northern Command has been
2 established to assume responsibility for defense within the
3 United States.

4 (b) SENSE OF CONGRESS.—It is the sense of Congress
5 that—

6 (1) the Secretary of Defense should regularly assess
7 the adequacy of United States Northern Command's plans
8 and strategies with a view to ensuring that the United
9 States Northern Command is prepared to respond effec-
10 tively to all military and paramilitary threats within the
11 United States; and

12 (2) the Committee on Armed Services of the Senate
13 and the Committee on Armed Services of the House of
14 Representatives should periodically review and assess the
15 adequacy of such plans and strategies.

16 (c) REPORT.—Not later than 180 days after the date of
17 the enactment of this Act, and every 180 days thereafter, the
18 Secretary of Defense shall submit to the Committee on Armed
19 Services of the Senate and the Committee on Armed Services
20 of the House of Representatives a report describing the United
21 States Northern Command's plans and strategies to defend the
22 United States against military and paramilitary threats within
23 the United States.

24 **TITLE XI—PROTECTION OF CIVIL** 25 **LIBERTIES**

26 **SEC. 1011. PRIVACY AND CIVIL LIBERTIES OVERSIGHT** 27 **BOARD.**

28 (a) IN GENERAL.—There is established within the Execu-
29 tive Office of the President a Privacy and Civil Liberties Over-
30 sight Board (referred to in this title as the “Board”).

31 (b) FINDINGS.—Consistent with the report of the National
32 Commission on Terrorist Attacks Upon the United States, Con-
33 gress makes the following findings:

34 (1) In conducting the war on terrorism, the Govern-
35 ment may need additional powers and may need to enhance
36 the use of its existing powers.

1 (2) This shift of power and authority to the Govern-
2 ment calls for an enhanced system of checks and balances
3 to protect the precious liberties that are vital to our way
4 of life and to ensure that the Government uses its powers
5 for the purposes for which the powers were given.

6 (c) PURPOSE.—The Board shall—

7 (1) analyze and review actions the Executive Branch
8 takes to protect the Nation from terrorism; and

9 (2) ensure that liberty concerns are appropriately con-
10 sidered in the development and implementation of laws,
11 regulations, and policies related to efforts to protect the
12 Nation against terrorism.

13 (d) FUNCTIONS.—

14 (1) ADVICE AND COUNSEL ON POLICY DEVELOPMENT
15 AND IMPLEMENTATION.—The Board shall—

16 (A) review proposed legislation, regulations, and
17 policies related to efforts to protect the Nation from
18 terrorism, including the development and adoption of
19 information sharing guidelines under section 401(e);

20 (B) review the implementation of new and existing
21 legislation, regulations, and policies related to efforts to
22 protect the Nation from terrorism, including the imple-
23 mentation of information sharing guidelines under sec-
24 tion 401(e);

25 (C) advise the President and Federal executive de-
26 partments and agencies to ensure that privacy and civil
27 liberties are appropriately considered in the develop-
28 ment and implementation of such legislation, regula-
29 tions, policies, and guidelines; and

30 (D) in providing advice on proposals to retain or
31 enhance a particular governmental power, consider
32 whether the executive department or agency has
33 explained—

34 (i) that the power actually materially enhances
35 security; and

1 (ii) that there is adequate supervision of the
2 executive's use of the power to ensure protection of
3 civil liberties.

4 (2) OVERSIGHT.—The Board shall continually
5 review—

6 (A) the regulations, policies, and procedures and
7 the implementation of the regulations, policies, proce-
8 dures, and related laws of Federal executive depart-
9 ments and agencies to ensure that privacy and civil lib-
10 erties are protected;

11 (B) the information sharing practices of Federal
12 executive departments and agencies to determine
13 whether they appropriately protect privacy and civil lib-
14 erties and adhere to the information sharing guidelines
15 promulgated under section 401(e) and to other gov-
16 erning laws, regulations, and policies regarding privacy
17 and civil liberties; and

18 (C) other actions by the Executive Branch related
19 to efforts to protect the Nation from terrorism to deter-
20 mine whether such actions—

21 (i) appropriately protect privacy and civil lib-
22 erties; and

23 (ii) are consistent with governing laws, regula-
24 tions, and policies regarding privacy and civil lib-
25 erties.

26 (3) RELATIONSHIP WITH PRIVACY AND CIVIL LIB-
27 ERTIES OFFICERS.—The Board shall review and assess the
28 activities of privacy and civil liberties officers described in
29 section 1012 and, where appropriate, shall coordinate their
30 activities.

31 (e) REPORTS.—

32 (1) IN GENERAL.—The Board shall—

33 (A) receive and review reports from privacy and
34 civil liberties officers described in section 1012; and

35 (B) periodically submit, not less than semiannu-
36 ally, reports to Congress and the President.

1 (2) CONTENTS.—Not less than 2 reports submitted
2 each year under paragraph (1)(B) shall include—

3 (A) a description of the major activities of the
4 Board during the relevant period; and

5 (B) information on the findings, conclusions, and
6 recommendations of the Board resulting from its advice
7 and oversight functions under subsection (d).

8 (f) INFORMING THE PUBLIC.—The Board shall hold
9 public hearings, release public reports, and otherwise in-
10 form the public of its activities, as appropriate and in a
11 manner consistent with the protection of classified informa-
12 tion and applicable law.

13 (g) ACCESS TO INFORMATION.—

14 (1) AUTHORIZATION.—If determined by the Board to
15 be necessary to carry out its responsibilities under this sec-
16 tion, the Board may—

17 (A) secure directly from any Federal executive de-
18 partment or agency, or any Federal officer or employee,
19 all relevant records, reports, audits, reviews, docu-
20 ments, papers, or recommendations, including classified
21 information consistent with applicable law;

22 (B) interview, take statements from, or take public
23 testimony from personnel of any Federal executive de-
24 partment or agency or any Federal officer or employee;

25 (C) request information or assistance from any
26 State, tribal, or local government; and

27 (D) require, by subpoena, persons other than Fed-
28 eral executive departments and agencies to produce any
29 relevant information, documents, reports, answers,
30 records, accounts, papers, and other documentary or
31 testimonial evidence.

32 (2) ENFORCEMENT OF SUBPOENA.—In the case of
33 contumacy or failure to obey a subpoena issued under para-
34 graph (1)(D), the United States district court for the judi-
35 cial district in which the subpoenaed person resides, is
36 served, or may be found may issue an order requiring such
37 person to produce the evidence required by such subpoena.

1 (h) MEMBERSHIP.—

2 (1) MEMBERS.—The Board shall be composed of a
3 chairman and 4 additional members, who shall be ap-
4 pointed by the President, by and with the advice and con-
5 sent of the Senate.

6 (2) QUALIFICATIONS.—Members of the Board shall be
7 selected solely on the basis of their professional qualifica-
8 tions, achievements, public stature, and relevant experience,
9 and without regard to political affiliation.

10 (3) INCOMPATIBLE OFFICE.—An individual appointed
11 to the Board may not, while serving on the Board, be an
12 elected official, an officer, or an employee of the Federal
13 Government, other than in the capacity as a member of the
14 Board.

15 (i) COMPENSATION AND TRAVEL EXPENSES.—

16 (1) COMPENSATION.—

17 (A) CHAIRMAN.—The chairman shall be com-
18 pensated at a rate equal to the daily equivalent of the
19 annual rate of basic pay in effect for a position at level
20 III of the Executive Schedule under section 5314 of
21 title 5, United States Code, for each day during which
22 the chairman is engaged in the actual performance of
23 the duties of the Board.

24 (B) MEMBERS.—Each member of the Board shall
25 be compensated at a rate equal to the daily equivalent
26 of the annual rate of basic pay in effect for a position
27 at level IV of the Executive Schedule under section
28 5315 of title 5, United States Code, for each day dur-
29 ing which that member is engaged in the actual per-
30 formance of the duties of the Board.

31 (2) TRAVEL EXPENSES.—Members of the Board shall
32 be allowed travel expenses, including per diem in lieu of
33 subsistence, at rates authorized for persons employed inter-
34 mittently by the Government under section 5703(b) of title
35 5, United States Code, while away from their homes or reg-
36 ular places of business in the performance of services for
37 the Board.

1 (j) STAFF.—

2 (1) APPOINTMENT AND COMPENSATION.—The Chair-
3 man, in accordance with rules agreed upon by the Board,
4 shall appoint and fix the compensation of an executive di-
5 rector and such other personnel as may be necessary to en-
6 able the Board to carry out its functions, without regard
7 to the provisions of title 5, United States Code, governing
8 appointments in the competitive service, and without regard
9 to the provisions of chapter 51 and subchapter III of chap-
10 ter 53 of such title relating to classification and General
11 Schedule pay rates, except that no rate of pay fixed under
12 this subsection may exceed the equivalent of that payable
13 for a position at level V of the Executive Schedule under
14 section 5316 of title 5, United States Code.

15 (2) DETAILEES.—Any Federal employee may be de-
16 tailed to the Board without reimbursement from the Board,
17 and such detailee shall retain the rights, status, and privi-
18 leges of the detailee's regular employment without interrup-
19 tion.

20 (3) CONSULTANT SERVICES.—The Board may procure
21 the temporary or intermittent services of experts and con-
22 sultants in accordance with section 3109 of title 5, United
23 States Code, at rates that do not exceed the daily rate paid
24 a person occupying a position at level IV of the Executive
25 Schedule under section 5315 of such title.

26 (k) SECURITY CLEARANCES.—The appropriate Federal ex-
27 ecutive departments and agencies shall cooperate with the
28 Board to expeditiously provide the Board members and staff
29 with appropriate security clearances to the extent possible
30 under existing procedures and requirements, except that no
31 person shall be provided with access to classified information
32 under this section without the appropriate security clearances.

33 (l) TREATMENT AS AGENCY, NOT AS ADVISORY COM-
34 MITTEE.—The Board—

35 (1) is an agency (as defined in section 551(1) of title
36 5, United States Code); and

1 (2) is not an advisory committee (as defined in section
2 3(2) of the Federal Advisory Committee Act (5 U.S.C.
3 App.)).

4 (m) AUTHORIZATION OF APPROPRIATIONS.—There are au-
5 thorized to be appropriated such sums as may be necessary to
6 carry out this section.

7 **SEC. 1012. PRIVACY AND CIVIL LIBERTIES OFFICERS.**

8 (a) DESIGNATION AND FUNCTIONS.—The Attorney Gen-
9 eral, Secretary of Defense, Secretary of Homeland Security,
10 Secretary of State, Secretary of the Treasury, Secretary of
11 Health and Human Services, National Intelligence Director,
12 Director of the Central Intelligence Agency, and the head of
13 any other executive department or agency designated by the
14 Privacy and Civil Liberties Oversight Board to be appropriate
15 for coverage under this section shall designate not less than 1
16 senior officer to—

17 (1) assist the department or agency head and other
18 department or agency officials in appropriately considering
19 privacy and civil liberties concerns when such officials are
20 proposing, developing, or implementing laws, regulations,
21 policies, procedures, or guidelines related to efforts to pro-
22 tect the Nation against terrorism;

23 (2) periodically investigate and review department or
24 agency actions, policies, procedures, guidelines, and related
25 laws and their implementation to ensure that the depart-
26 ment or agency is adequately considering privacy and civil
27 liberties in its actions;

28 (3) ensure that the department or agency has ade-
29 quate procedures to receive, investigate, and respond to
30 complaints from individuals who allege the department or
31 agency has violated their privacy or civil liberties; and

32 (4) in providing advice on proposals to retain or en-
33 hance a particular governmental power the officer shall
34 consider whether the department or agency has explained—

35 (i) that the power actually materially enhances
36 security; and

1 (ii) that there is adequate supervision of the
2 department's or agency's use of the power to en-
3 sure protection of civil liberties.

4 (b) EXCEPTION TO DESIGNATION AUTHORITY.—

5 (1) PRIVACY OFFICERS.—In any department or agency
6 referenced in subsection (a) or designated by the Board,
7 which has a statutorily created privacy officer, such officer
8 shall perform the functions specified in subsection (a) with
9 respect to privacy.

10 (2) CIVIL LIBERTIES OFFICERS.—In any department
11 or agency referenced in subsection (a) or designated by the
12 Board, which has a statutorily created civil liberties officer,
13 such officer shall perform the functions specified in sub-
14 section (a) with respect to civil liberties.

15 (c) SUPERVISION AND COORDINATION.—Each privacy or
16 civil liberties officer described in subsection (a) or (b) shall—

17 (1) report directly to the department or agency head;
18 and

19 (2) coordinate their activities with the Inspector Gen-
20 eral of the agency to avoid duplication of effort.

21 (d) AGENCY COOPERATION.—Each department or agency
22 head shall ensure that each privacy and civil liberties officer—

23 (1) has the information and material necessary to ful-
24 fill the officer's functions;

25 (2) is advised of proposed policy changes;

26 (3) is consulted by decision makers; and

27 (4) is given access to material and personnel the offi-
28 cer determines to be necessary to carry out the officer's
29 functions.

30 (e) PERIODIC REPORTS.—

31 (1) IN GENERAL.—The privacy and civil liberties offi-
32 cers of each department or agency referenced or designated
33 under subsection (a) shall periodically, but not less than
34 quarterly, submit a report on the officers' activities to Con-
35 gress, the department or agency head, and the Privacy and
36 Civil Liberties Oversight Board.

233

1 (2) CONTENTS.—Each report submitted under para-
2 graph (1) shall include information on the discharge of
3 each of the officer's functions, including—

4 (A) information on the number and types of re-
5 views undertaken;

6 (B) the type of advice provided and the response
7 given to such advice;

8 (C) the number and nature of the complaints re-
9 ceived by the agency for alleged violations; and

10 (D) a summary of the disposition of such com-
11 plaints, the reviews and inquiries conducted, and the
12 impact of the officer's activities.